#### PREFACE

The original purpose of this manual (then titled "CONTROL AND PROTECTION OF THE STATE'S RIGHT-OF-WAY") was to provide policy and guidelines for the issuance of permits to applicant's to utilize the <u>actual right-of-way</u> of the State's roadway systems, since it's inception, various other types of programs which involved the issuance of permits for activities and installations adjacent to, but <u>off the right-of-way</u> of our roadway systems have been added to this manual; hence, the change of title to "Permits Manual".

This manual embraces policies and procedures that are necessary in order to afford reasonable public and private usage of the right-of-way of the state road system. The Kentucky Department of Highways may grant permits for specific acts or installations that do not adversely affect the safety, aesthetic, maintenance, or intended use of the highway facility. Specific policy criteria based on administrative experience, engineering experience, arbitrary selection and legal requirements are contained in the Permits Manual. This policy concerns roadway entrance access, conditional usage of the rights-of-way, recycling yards, advertising devices, logos and temporary and permanent allowable encroachments.

Any firm, individual or governmental agency which desires access to a road on the state highway system or desires to perform any type of work upon the right-of-way of such road must obtain a permit from the Department of <u>Highways</u>. Contractors performing the work must have in his possession at all times a copy of the permit, authorization letter and detailed drawings of work to be done.

No permit shall constitute a license to perform any work that is inconsistent with or that does not meet the requirements of local, state, federal and/or any other agency having jurisdiction over the permitted work location.

The Division of Traffic will be accountable for periodic updating of procedures in the Permits Manual and will coordinate, through the Deputy State Highway Engineer for Construction and Operations, any changes affecting the functions of other organizational units of the Department.

Each person with authority shall encourage suggestions from workers under their supervision that would lead to improvement of the procedures for the Permits Manual. Each worker and supervisor is encouraged to move instinctively through the proper channels in offering suggestions that are intended to improve the effectiveness of these procedures as they related to the Department's organization and objectives.

References and example materials have been provided to Departmental personnel in a separate book. If applicants require copies of this material, they may order from the address provided in Chapter PE-107.

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PERMITS

Subject

GENERAL INFORMATION

Using This Manual

Summary:

This subject describes the manual's design and organization, and how to use it. Please take the time to review these instructions before using the manual.

Chapter

ORGANIZATION AND NUMBERING:

**CHAPTERS** - The subject matter in the manual is first divided into chapters. Each chapter is placed behind a BLUE tab with the chapter title printed on the tab.

Chapter Number - Each chapter is assigned a control number (such as 100, 200, 300, etc.) which appears on the tab.

**SECTIONS** - Some chapters are divided into sections. If so, the section title will appear in the upper corner of the first page of the subject.

**SUBJECTS** - Sections are sub-divided into subjects. If a chapter is not divided into sections it is arranged by subjects.

Subject Number - Each subject is assigned a number which appears in the upper corner of each page of the subject.

"PE" Prefix - Preceding each subject number - it stands for the manual name *Permits*.

Subject Title - Appears in the upper corner of each page of the subject.

Date - The latest issuance date of a subject appears at the bottom of each page of the subject. It should agree with the latest issuance shown for the subject in the Contents Index (PE-02).

Page Numbering - Each subject has its own page numbering which appears at the bottom of the subject's sheets. This aids in future revisions to the manual.

**LOCATING INFORMATION . . . p.2** 

### LOCATING INFORMATION:

**INDEXES** - To help you quickly find information in the manual, there are two indexes at the front behind WHITE tabs. Each index entry includes the corresponding subject number in the manual where detailed information for the entry appears.

Alphabetical Index - Alphabetically lists all the key information in the manual. Generally, it directs you to subject titles and to margin, paragraph, and sub-paragraph headings within subjects. This is your main tool to find something in the manual.

Contents Index - Lists the manual's chapters, sections, subjects, and other materials in numerical order. It includes the latest issuance date of each subject. As the manual matures these dates will change.

## REFERENCES IN MANUAL:

SUBJECT NUMBERS IN PARENTHESES - When you see a subject number in parentheses within the narrative on a page, refer to that subject number indicated for more information.

#### **QUESTIONS?:**

WHO TO CONTACT - If you have any questions concerning the manual content, please call the Permits Branch at (502) 564-4105.

**SUGGESTIONS WELCOMED** - Employees are encouraged to suggest new policies and procedures through proper channels in your division or office.

PERMITS

GENERAL INFORMATION

Subject

Policy

Summary:

This subject defines most of the terms used in this manual and also lists abbreviations of words/phrases commonly used.

GENERAL INFORMATION:

STATUTES AND REGULATIONS - KRS 176.050 requires the Department of Highways to maintain roads after they are constructed. 603 KAR 5:150 allows encroachments on a highway right-of-way by permit, approved by the Department.

TERMS AND DEFINITIONS:

Most definitions used in this manual conform to the approved definitions of highway terms adopted by the American Association of State Highway Transportation Officials and the definitions used in the report of the American Society of Civil Engineers Committee on Pipeline Crossings of Highways.

ACCESS CONTROL - The condition where the privilege of access to highways by abutting owners, occupants, or other persons is controlled by public authority. Different types of controlled access:

Fully Controlled Access - Highways which give preference to through traffic and which have access only at selected public roads or streets and which have no highway grade crossings or intersections. The termini for access control is shown on the Department's plans.

Partially Controlled Access - Highways which give preference to through traffic. However, access to selected public roads and streets may be provided and there may be some highway at grade intersections and private driveway connections as shown on the Department's plans. The termini for access control is shown on the Department's plans.

Access by Permit - Refers to all highways designated as access by permit on the Department's plans.

AIR RIGHTS - The property rights for the control or specific use of a designated airspace involving a highway.

**AIR SPACE** . . . p. 2

**AIRSPACE** - The space located above, at, or below the highway's established grade line lying within the approved right-of-way limits.

**ARTERIAL HIGHWAY -** A general term denoting a highway primarily for through traffic, usually on a continuous route.

**AUXILIARY LANE** - The portion of the roadway adjacent to the traveled way used for parking, speed change lanes, or for purposes supplementary to the through traffic movement.

BACKFILL - Material replacement around and over a pipe.

**BEDDING** - Organization of material to support a pipe.

BURY - Depth of top of pipe below grade of roadway or ditch.

**CABLE TELEVISION LINES -** Considered in the same classification as a utility.

**CARRIER** - Pipe directly enclosing a transmitted fluid (liquid or gas).

CASING - A larger diameter pipe enclosing a carrier.

CATEGORICAL EXCLUSION - Level of environmental documentation required for actions that do not individually or cumulatively have a significant environmental effect. A categorical exclusion determination will be required on all requests for changes in Access Control and use or airspace on the National Highway System.

**CENTERLINE OF THE HIGHWAY** - A line equidistant from the edges of the median separating the main traveled ways of a divided highway, or the centerline of the main traveled way of a non-divided highway.

**COMMERCIAL ENTRANCE** - A driveway or an entrance serving businesses, commercial establishments, nonprofit charitable organizations, educational facilities, or other special interest groups.

**CONDUIT OR DUCT -** An enclosed tubular runway for protecting wires or cables.

**CONSULTANT ENGINEER** - An engineer representing an engineering firm who has been designated by the Kentucky Turnpike Authority to provide engineering judgment on the control and protection of specific toll road facilities.

DEPARTMENT'S PLANS . . . p. 3

**DEPARTMENT'S PLANS** - The Department of Highway's current plans which are based on plans made at the time of contract letting together with any subsequent changes in access control made in conformance with applicable laws and regulations.

**DIMINISHING ACCESS CONTROL** - Access Control that is less than what was originally intended on the project.

**EXPRESSWAY** - A divided arterial highway for through traffic with full or partial access control and typically with grade separations at major intersections.

**FEDERAL-AID PRIMARY HIGHWAY (Relates to Advertising Devices Only)** - Any highway, road, street, appurtenant facility, bridge or overpass which is designated as a portion of the Federal-Aid Primary Highway System as established by law or designated by the Kentucky Department of Highways and the United States Department of Transportation, as of June 1, 1991.

FREEWAY - An expressway with full access control.

FRONTAGE STREET OR FRONTAGE ROAD - A local street or an auxiliary road, usually adjacent to or close by the side of an arterial highway designated to serve abutting property and adjacent areas.

**GALLERY** - An underpass for two or more pipelines and/or other utilities.

HIGHWAY ADVISORY RADIO - A device that promotes highway safety by predicting movement of traffic, motorized and non-motorized, throughout the national highway transportation system. The device also provides guidance and warnings as needed to promote safe and informed operation of all traffic elements.

ILLEGAL ENCROACHMENT - Any unauthorized facility, specific acts or installations on, under, or over the right-of-way.

**INDUSTRIAL ENTRANCE** - An entrance to a manufacturing/production business that produces a finished product by the use of manpower and/or machinery.

INTERSTATE HIGHWAY - A highway, road, street, access facility, bridge or overpass which is designated as a portion of the National System of Interstate and Defense Highways as established by law or designated by the Kentucky Department of Highways and the U.S. Department of Transportation, Federal Highway Administration.

LEGAL ENCROACHMENT . . . p. 4

**LEGAL ENCROACHMENT -** Authorized use (by permit, contract or agreement) of highway right-of-way or easements for specific acts or installations, physical, or otherwise.

MARKET VALUE - The highest price property can be sold at in the open market by a willing seller to a willing purchaser, neither acting under compulsion and both exercising reasonable judgement. Both parties are fully aware of the best use for the property.

MAY - An optional possibility, if certain requirements are met.

**NATIONAL HIGHWAY SYSTEM -** All Interstate Highways and principal arterials depicted on the official National Highway System map published by the Division of Planning.

**PERMITTED** - As used in this manual, it means to exist only by permit from the Kentucky Department of Highways.

PHASE OF PROJECT - As used in this manual, it refers to Planning Phase, Design Phase, Construction Phase or Maintenance Phase of the roadway.

PRIVATE ENTRANCE - An entrance that serves a single-family residence, farm or other noncommercial or non-industrial property as determined by the District. The Department of Highways will install these entrances with an upper limit of \$800 per entrance with the property owner providing the necessary drainage pipe.

**RAILROAD ACCESS** - An approved access to a highway which is used for railroad maintenance purposes only and which is specifically shown on plans.

RIGHT-OF-WAY - A general term denoting land, property or interest therein, usually in a strip acquired for or devoted to a highway.

**ROAD, HIGHWAY OR STREET -** A public way used for vehicle travel, including the right-of-way.

Rural - All areas other than urban.

**Urban** - Residential, commercial or industrial developments with sufficient concentration that constitutes or is characteristic of a city which necessitates, for safety reasons, reduced highway speed limits of 45 MPH or less, excluding Interstate Systems.

**ROUTINE MAINTENANCE** - Maintenance of a short duration, not an emergency, and does not involve excavation or traffic disruption.

**SLEEVE** . . . p. 5

**SLEEVE** - Short casing through a pier or abutment of a highway structure.

**TRAVELED WAY -** The portion of a roadway for the movement of vehicles, not including the shoulders and auxiliary lanes.

**TREATED SEWAGE EFFLUENT** - The fluid outflow from a septic system resulting from the sewage purification process.

TURNING ROADWAY - A connecting roadway for traffic turning between two intersection legs.

**TURNPIKE** - Any road, highway, parkway, bridge, street or appurtenant facility where a toll is charged for use by motor vehicle traffic.

USE AND OCCUPANCY AGREEMENT OR PERMIT - The document the highway authority uses to regulate and/or give approval for the use and occupancy of highway rights-of-way.

#### **ABBREVIATIONS:**

The following are shown with their meanings when used in this manual:

**AASHTO** - American Association of State Highway Transportation Officials

Ass't - Assistant

C.D.E. - Chief District Engineer

C. O. - Central Office

D.P.E. - District Permit Engineer

Dept. - Department of Highways

D.O.H. - Department of Highways

Dist. - District

Engr. - Engineer

F.H.P.M. - Federal Highway Program Manual

F.H.W.A. - Federal Highway Administration

HAR . . . p. 6

#### **ABBREVIATIONS**

(Cont.):

HAR - Highway Advisory Radio

KRS - Kentucky Revised Statutes

**KY** - Kentucky

MTS - Mass Transit Shelters

MUTCD - Manual on Uniform Traffic Control Devices

**OPERS** - Operations

**PERKS** - Permit Encroachment Record Keeping System

R.E.D.A. - Roadside Environment District Administrator (Agronomist)

**R/W** - Right-of-Way

S.H.E.O. - State Highway Engineer's Office

**TEBM -** Transportation Engineer Branch Manager

TMS - Traffic Management System

TVA - Tennessee Valley Authority

U.S. - United States

Chapter

#### GENERAL INFORMATION

Subject

Permits Manual Forms

Summary:

This subject lists all Permits Manual Forms.

PERMIT MANUAL FORMS:

**ENCROACHMENT FORMS** - Listed below in numerical order are all forms that pertain and relate to encroachment permits. Copies of these forms can be found in the "Exhibits" section of this manual.

TC 99-1 TC 99-2	Encroachment Permit Application Chief District Engineer Quarterly Certification of Compliance with Required Encroachment Permit Procedures
TC 99-3	Ponding Encroachment Specifications & Conditions
TC 99-4	Rest Area Usage Specifications & Conditions
TC 99-5	Tree Cutting or Trimming Specifications
TC 99-6	Use of Chemicals Specifications & Conditions
TC 99-7	Encroachment Permit Bond
TC 99-8	Affidavit - Self-Insured Bond
TC 99-9	Guide for Obtaining Encroachment Permits on State
	Right-of-Way
TC 99-10	Typical Highway Boring Crossing Detail
TC 99-11	Official Encroachment Inspection Notice
TC 99-12	Overhead Utility Encroachment Diagram
TC 99-13	Surface Restoration Methods
TC 99-14	Legal Notice
TC 99-15	District Bridge Engineer's Annual Report
TC 99-17	Plan and Profile Sheet
TC 99-18	Required Documentation and Information by
	Applicant for Encroachment Permit
TC 99-20	Unauthorized Encroachment
TC 99-21	Encroachment Permit General Notes & Specifications,
	Pages 1, 2, 3 and 4 (Must accompany all permits
	except private entrances)
TC 99-22	Agreement for Services to be Performed
TC 99-23	Mass Transit Shelter Specifications & Conditions
TC 99-24	Encroachment Request for Legal Action
TC 99-25	Encroachment Information Folder
TC 99-26	Public Complaint Form

TC 99-27 . . . p. 2

## PERMIT MANUAL FORMS (Cont.):

#### **ENCROACHMENT FORMS (Cont.) -**

TC 99-27

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TC 99-28	Categorical Exclusion Checklist
TC 99-29	Thru TC 99-30 has been left unassigned for forms that
	may develop in the future.

ADVERTISING DEVICES FORMS - Listed below in numerical order are all forms that pertain and relate to Advertising Devices. (TC 99-31 thru TC 99-55) Copies of these forms can be found in the "Exhibits" section of this manual

Ownership Disclosure Statement

TC 99-31	Application for Advertising Device Permit
TC 99-32	Permit for Advertising Device Permit
TC 99-33	"Billboard Request for Legal Action"
TC 99-39	Legal Notice - Advertising Device Violation
TC 99-40	Billboard Inspection Report

TC 99-34 thru TC 99-38 and TC 99-41 thru TC 99-55 have been left unassigned for forms that may develop in the future.

**RECYCLER FORMS** - Listed below in numerical order are all forms that pertain and relate to Recycler Permits. (TC 99-56 thru TC 99-75) Copies of these forms can be found in the "Exhibits" section of this manual.

TC 99-56	Application for Recycling Yard Screening Plan
	Approval
TC 99-57	Permit for Automobile, Vehicle, Machinery or
	Material Recycling Yard
TC 99-58	Permit Card for Automobile, Vehicle, Machinery or
	Material Recycling Yard
TC 99-59	Legal Notice - Recycling Yard Violations
TC 99-60	Recycler Inspection Report
TC 99-61	Recycler Request for Legal Action
TC 99-62 t	hru TC 99-75 have been left unassigned for forms that

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may develop in the future.

PERMITS	Chapter GENERAL INFORMATION
	Subject Bookkeeping & Records

**Summary:** 

This subject discusses the bookkeeping and records procedures used in managing and maintaining permits.

#### **ALL PERMITS:**

**PERMIT ENCROACHMENT RECORD KEEPING SYSTEM (PERKS)** - All requests for permits will be entered into the appropriate format of PERKS on the day the permit is received in the District Office.

- 1. County, route number and milepoint
- 2 Road name
- 3. Name of Permittee
- 4. Type of Permit (e.g. Commercial, Private Entrance, Utility, etc.)
- 5. Amount and type of indemnity
- 6. Completion date for the work (For Utility Agreements enter U. A.)

"ACTIVE" PERMIT FILE - Approved permits are filed in "active" status by the District Permit Engineer so completion dates can be monitored by inspection to determine that the facility is in conformance with the approved permit. Permits will not be filed permanently until all work has been satisfactorily completed, the indemnity released, and the final bookkeeping entries are made.

"COMPLETED" PERMIT FILE - Upon final inspection and acceptance of the work authorized by permit, the permittee will be advised that the encumbrance against his indemnity has been released. After final bookkeeping, the permit is filed in the "completed" file.

# INDEMNITY ENCUMBRANCES & RELEASE RECORDS:

CARE OF INDEMNITIES OTHER THAN BONDS - Each district office has a fireproof lock-box to store indemnities (certified check only). These checks are returned (by certified mail) to permittees after final inspection and acceptance of the encroachment work.

DISTRICT BOND INDEMNITIES - Both self-insured bond documents and bonds issued by insurance agencies (TC 99-7 must be used exclusively) are filed with an encumbrance and release sheet (TC 99-16) for each qualifying applicant. Automatic tabulations are made by PERKS as encumbrances and releases occur. As a result, the balance of the indemnity is known at all times.

STATEWIDE BONDS . . . p. 2

INDEMNITY
ENCUMBRANCES
& RELEASE RECORDS
(Cont.):

**STATEWIDE BONDS** - The Central Office Permits Branch continually provides the districts with an updated list of permittees providing statewide bonds (self-insured or other). This list will show the amount of the bond posted.

Central Office Permits Branch - will advise the districts of any permittee nearing over-encumbrance on their statewide bond by monitoring the bookkeeping procedures regularly.

**District Offices - must** provide the Central Office Permits Branch daily with copies of permit applications (showing the amounts encumbered or released) utilizing statewide bonds.

#### PERMIT BACKLOG:

COMPLETION DATE - The completion date is the "key" to preventing a build-up of permits that should be released. Research by the secretary assigned to the Permit Office will result in timely "pulling the files" for those permits due for final inspection on January 1 and July 1 each year. Immediate follow-up by Permit personnel in making inspections and releasing indemnities or asking for final corrective work by the permittee will minimize permit backlog.

**EXISTING PERMIT BACKLOGS** - Whenever a backlog is developing, make an effort to solve the backlog by purging the files according to their completion dates.

### RECORDS OF UTILITIES

ON BRIDGES:

FORM TC 99-15 - These reports are filed and maintained by the District Bridge Engineer who uses the information to prepare an annual report that is sent to the Central Office Permits Branch before March 15 of each year.

REIMBURSEMENT OF ADMINISTRATIVE COSTS:

FORM TC 99-22 - Applicants for an airspace lease or agreement or new access on a controlled access facility are required to reimburse the Department for administrative costs incurred in providing the review. For instructions on completing Form TC 99-22 see subject PE-105-2.

Categorical Exclusion - When an application requires a categorical exclusion review, which is conducted by the Division of Environmental Analysis, the estimate should be increased by \$2,000.



Section

### APPLICATION DOCUMENTATION AND PROCESSING PROCEDURES

Subject

General Information

Summary:

This subject discusses the Department's permit application process.

APPLYING FOR A PERMIT:

WHO MUST APPLY? - Any firm, individual or governmental agency that wants access to a road on the state highway system or wants to conduct any type of work activity on the right-of-way, must obtain a permit from the Department of Highways. Applications for encroachment permits should be submitted to the district office responsible for the county where the work is proposed. Applications must be made in the name of the owner that will perform the encroachment work. It must be signed by an official representative whose signature is legally binding upon the applicant. After final processing and approval, the applicant must be furnished two (2) copies of the permit, approved plans and attachments. Encroachment permits are entirely discretionary in nature. Substandard performance by an applicant holding a permit at another location and/or an illegal encroachment or any other irresponsible act as deemed by the Department is adequate grounds for refusal to issue a permit.

REQUIRED DOCUMENTATION - All permit applicants must provide the Department, at their own expense, drawings, documents, forms, agreements, leases, indemnity and any other information listed in the appropriate chapter(s) of this manual. Permitted work must be completed in accordance with the terms of the permit and accompanying documents. The cost of the work is the responsibility of the applicant except as provided by Department Policy.

REQUEST FOR RECONSIDERATION - Any firm, individual or governmental agency who has had an application for a permit disapproved at the district office may file a request for reconsideration with the State Highway Engineer. The request must be sent to the highway district office along with a copy of the disapproved application, the disapproval letter from the district, and a listing of the reasons why the applicant believes the district office's decision should be reconsidered. The district office will forward the request to the central office. The State Highway Engineer will issue the final decision for the Department.

LEGALLY BINDING CONTRACT p. 2

## APPLYING FOR A PERMIT (Cont):

LEGALLY BINDING CONTRACT - When a permit application becomes a permit, it is a legally binding contract which requires certain commitments from the permittee and the Department of Highways. It is essential that the application is signed by the owner of the frontage property adjacent to the right-of-way where the encroachment work will be done. Signatures, other than a prime property owner, must be legally binding upon a company or individual. Representatives of public utility companies and governmental agencies, with local jurisdiction, may sign the application form.

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Section

### APPLICATION DOCUMENTATION AND PROCESSING PROCEDURES

Subject

Permit Processing Responsibility

Summary:

This subject discusses the responsibilities of the various divisions/offices that are involved in the permit process.

DISTRICT OFFICE RESPONSIBILITIES:

**DISTRICT PERMITS ENGINEER - Responsible for reviewing and** processing all permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District and Central Office divisions, and final processing after appropriate signatures, recommendations and/or comments are obtained. The District Permits Engineer must complete form TC 99-28 (Categorical Exclusion Checklist) for each permit application that involves a change in Access Control and use of Airspace on the National Highway System. A copy of the form is placed in the permit folder and one copy is sent to the Central Office Division of Environmental Analysis. If there is an indication that an environmentally sensitive situation exits on the right-of-way, or adjacent to the right-of-way, the applicant will be immediately advised that a more in-depth review must be completed before continuing. The Division of Environmental Analysis will conduct the review. If the applicant wishes to proceed, Form TC 99-22 (Agreement for Services Rendered) is completed for reimbursement of administrative costs (see PE-106 for completion instructions). If the review by the Division of Environmental Analysis confirms the sensitivity of the request, the proposal can not continue until the situation has been mitigated to the satisfaction of other appropriate agencies.

TC 99-9 (Guide for Obtaining Encroachment Permits) - Since the Permit Engineer is usually in direct contact with the permit applicant, form TC 99-9 has been prepared to assist them and their engineers and contractors in permitting procedures. This booklet should be given to the applicant and discussed at the beginning of the permitting process.

Categorical Exclusion - Level of environmental documentation applications for actions that do not individually or cumulatively have a significant environmental effect. A categorical exclusion determination will be required on application requests for change in Access Control and use of Airspace on the National Highway System.

CHIEF DISTRICT ENGINEER . . . p. 2

#### DISTRICT OFFICE RESPONSIBILITIES (Cont.):

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on approval or disapproval of the application. Once the Chief District Engineer signs the application, it becomes a permit.

**DISTRICT OPERATIONS ENGINEER - Permit applications for** "private entrances" are received and processed by the District Operations Engineer in the county (ies) within their jurisdiction. A permit number is assigned by the permit office and entered on the permit application. The Permit Engineer keeps a file copy of the permit.

> Illegal Encroachments - The District Operations Engineer is responsible for removing illegal encroachments and improperly constructed permitted encroachments. He/she is also responsible, along with the County Foreman, for investigating illegal encroachments and other policy violations involving billboards, junkyards, etc. by completing Form TC 99-20 as violations are discovered.

DISTRICT UTILITY AGENT - If a utility is being relocated from private right-of-way to accommodate highway construction, the Department participates in the cost of the relocation and enters into an agreement which outlines the work and the amount of participation. A permit is not required for work on the Department's right-of-way, which is covered in a utility agreement. The approved agreement is considered to constitute a permit for any utility facilities covered by the agreement, and the terms and conditions of Form TC 99-1 are considered to be incorporated therein by reference. A permit number must be obtained from the permit office and assigned to the agreement. Utility agreements are processed and released through the District Utility Agent's office. A copy of the written release is sent to the District Permit Engineer.

DISTRICT BRIDGE ENGINEER - Reviews all permit applications that call for placement of utilities on bridges during the maintenance phase. After reviewing the utility permit application, the District Bridge Engineer will furnish recommendations and/or comments to the District Permit Engineer for further processing through Central Office.

TEBM FOR PRECONSTRUCTION . . . p. 3

#### DISTRICT OFFICE RESPONSIBILITIES (Cont.):

TEBM FOR PRECONSTRUCTION - Permits applied for on projects during the preconstruction phase are reviewed by planning and design. The District Branch Manager for Preconstruction must furnish recommendations and/or comments to the District Permit Engineer for further processing. Permits applied for on these projects must be submitted as early as possible so the proposed location will be shown on the Department's plans.

Holding a Permit Application - Any permit for a completely new facility which is not approved in time to show the proposed location on the Department's plan prior to the PS & E date on federal aid projects or prior to advertisement on nonfederal aid projects, will be held until the project is advertised and the highway construction contract has been awarded. At that time, the application will be sent to the District Branch Manager for Construction for review.

TEBM FOR CONSTRUCTION - Permits submitted on active construction projects are processed by the District Permit Engineer after receiving recommendations and/or comments from the District Branch Manager for Construction. Approval of these types of permits are at the discretion of the Department.

TEBM FOR TRAFFIC - All cases involving proposed street or highway lighting on state maintained roads should be reviewed by the District Branch Manager for Traffic. The TEBM for Traffic will furnish recommendations and/or comments to the District Permits Engineer for further processing through Central Office.

REDA - The District REDA reviews all applications and discusses with all applicants any pertinent information to locate areas as necessary. The District REDA will advise the District Permit Engineer of all requirements.

#### CENTRAL OFFICE **RESPONSIBILITIES:**

CENTRAL OFFICE PERMITS BRANCH - Once the Chief District Engineer has signed the permit application, it is sent to the Central Office Permits Branch with the district's recommendation. The Central Office Permits Branch will discuss the application with various central office divisions, regardless of the phase of the project. If necessary, the Central Office Permits Branch will contact other appropriate offices/divisions for consideration of the permit application. Once the permit has been processed through the Central Office, it is sent to the Federal Highway Administration, Consultant Engineer, or Turnpike Authority, if applicable, for their concurrence. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.

Section

### APPLICATION DOCUMENTATION AND PROCESSING PROCEDURES

Subject

Application Documentation

Summary:

This subject discusses the documentation that is involved with applying for and obtaining a permit with the Department of Highways.

APPLICATION DOCUMENTATION:

APPLICATION NUMBERING AND LOG IN - All applications are numbered and logged in automatically by PERKS as they are received.

**Examples:** First application received in 1989 in District 4

Encroachments	Advertising Devices (AD)	Recyclers (R)
04-0001-89	AD04-0001-89	R04-0001-89

Second application received in 1989 in District 4

Encroachments	Advertising Devices (AD)	Recyclers (R)
04-0002-89	AD04-0002-89	R04-0002-89

First application received in 1995 in District 4

Encroachments	Advertising Devices (AD)	Recyclers (R)
04-0001-95	AD04-0001-95	R04-0001-95

"SUBJECT" OF CORRESPONDENCE - Subject for permit correspondence and application will consist of the county with project number, official road name, applicant's name, and type of permit with application number. At a glance, this format gives an overview of the contents of the correspondence.

Example: Subject:

ubject: Hardin County. MP 049-031W-035-036

(U.S. 31W) Elizabethtown-Louisville Road South Central Bell Telephone Company

Utility Application No. 04-0001-88

**APPLICATION FORM TC 99-1** - Must include the following information in addition to the signature on the back of all copies. All blanks must be completed or marked N/A - Not applicable.

- 1. County
- 2. Road Name
- 3. Route Number
- 4. State Project Number
- 5. Federal Construction Number
- 6. Milepost Number and Station Number of Proposed Work
- 7. Phase Status, i.e., Design, Construction, Operations
- 8. Completion Date Jan. 1, or July 1, of any give year must be realistic to avoid time extensions. Final inspections are made based on the completion date.

FORM TC 99-18 - Required Documentation and Information by Applicant for Encroachment Permit. The applicant must return this form with the documentation requested by the District Permit Engineer. All applicable forms must accompany permit requests. (See subject PE-103)

**FORM TC 99-28 -** "Categorical Exclusion Checklist" (See subject PE-105-2)

APPLICANT'S PLANS, PROFILE SHEET, AND DOCUMENTS - A vicinity map showing the location of the proposed encroachment, advertising device, logo, or recycler is required with all applications. Encroachment documentation must show:

- 1. All Work Areas including areas to be paved, must be indicated with red lines.
- 2. **Identify Streets/Highways -** Numbers and names of all streets and highways that appear on the plan.
- 3. Location of Traffic Control Devices The location of all signs, signals, and/or other traffic control devices existing along the frontage of the property being developed.
- 4. **Details of Adjacent Highways -** including entrances to properties across the highway from the proposed development, and all existing median facilities, including crossovers, openings, auxiliary lanes, tapers, etc.
- 5. Width of Existing Roadway Pavements and Shoulders including a description of pavement surfacing, shoulder treatment and pavement specifications.
  - 6. CENTERLINE/DITCH MEASUREMENTS . . . p. 3

## APPLICANT'S PLANS, PROFILE SHEET, AND DOCUMENTS (Cont.) -

- 6. Centerline/Ditch Measurement Distances from the edge of the pavement to the centerline of the ditch and the directions of flow of the ditch.
- 7. **Highway Centerline Measurement -** Distance from the centerline of the highway to the right-of-way line.
- 8. Location of Property Lines showing entire property.
- 9. Length of Frontage.
- 10. Location of Existing or Proposed Pumps, Buildings, Grease and Wash Racks, Signs, Lighting Standards, etc.
- 11. Location of New Entrances Proposed location (include vicinity map), and width and gradient (include profile) of new entrances.
- 12. Angles of Proposed Driveways with Highway.
- 13. Distance from Driveways to Property Lines or Corner measured along the right-of-way and also measured along the edge of pavement and/or along curb line.
- Distance Between Driveways measured along the right-of-way line and also measured along edge of pavement and/or along curb line.
- 15. **Proposed Use of Property** must be specifically designated on the plans or they will not be accepted.
- 16. **Frontage Roads** with length, width, thickness of base and paving, radii, corner clearance, etc.
- 17. Proposed Radii of All Curves.
- 18. Location of Drains or Culverts (Existing or Proposed) Location and size of any existing or proposed cross drain or side
  drain pipes or culverts and the direction of flow within such
  structures.
- 19. Distance Between Fuel Pump Foundations and Right-of-Way Line. Distance between building and right-of-way line, if parking is proposed in this area.
- 20. Location of Rural Entrance Site with respect to nearest city limits or intersecting state-maintained route. Urban entrance sites should be located with respect to named cross streets or highways on which the permit is requested.
- 21. North Arrow.
  - 22. SCALE OF PLAN . . . p. 4

# APPLICANT'S PLANS, PROFILE SHEET, AND DOCUMENTS (Cont.) -

- 22. Scale of Plan should be one inch equals 20 feet.
- 23. Name of Property Owner or Developer should be listed in the title block along with the federal and/or state route number of the streets or highways where the permit is requested.
- 24. **Site Description -** All additional information needs to accurately describe the site, such as the sight distance available if sight distance limitations are apparent.
- 25. Cross Sections or Contour Maps of all areas where grading is proposed.
- 26. Plans for Catch Basins or Clean-Out Boxes where appropriate.
- 27. Photographs of Site when available.
- 28. **Pertinent Notes -** on drainage, safety considerations, and methods and materials to be used in right-of-way restoration.
- 29. Fully Executed Documents or Agreements in accordance with federal and/or state requirements and regulations.
- 30. Traffic Volume Data For proposed developments that may generate large volumes of traffic (such as large subdivisions, shopping centers, and discount stores), the Department may require the developer to provide traffic volume data and projections based on studies conducted by a competent Traffic Engineer. These studies should show initial and proposed ADT volumes, volume distribution and other pertinent traffic information.
- 31. A Parking and Traffic Circulation Plan within the private property confines.
- 32. Encased Piping Design A copy of the design criteria for encased piping must accompany the application and the applicant must certify that the piping meets the design criteria.
- 33. Location of All Utilities above and below ground.
- 34. **Drainage Survey Data** Any proposal to alter or increase a drainage area, run-off factors, or change a drainage structure must be accompanied by a complete drainage survey (upstream and downstream) based on 25 year and 100 year storms with hydraulic analysis of all affected drainage structures in the area.

#### D.O.H. PLAN AND PROFILE SHEET . . . p. 5

#### DEPARTMENT OF HIGHWAY PLAN AND PROFILE SHEET -

These may be obtained at the district office for a nominal fee (Microfilm or Blue Prints of as-built plans) - showing:

- 1. Proposed work in Red.
- 2. Phase status, i.e., Design, Construction, and Operations.

APPLICANT'S INDEMNITY - A bond or cash indemnity for all permits except private entrances which do not contain usual, complicated provisions involving drainage, guardrail, etc., is required. A copy of necessary indemnity documents will be attached to all copies of the application before final approval and issuance of the permit, but not until it is confirmed that the permit will be approved. (Exceptions - Airspace and new access on partial control access roads)

**SPECIAL FORMS AND SPECIFICATIONS -** As required by this Manual or the Chief District Engineer.

**REQUIRED COPIES** - The required number of copies of permit application and documentation for distribution are outlined in each designated chapter.

Section

### APPLICATION DOCUMENTATION AND PROCESSING PROCEDURES

Subject

Permit Approval

Summary:

This subject discusses the permit approval process of the Kentucky Transportation Cabinet.

#### PERMIT APPROVAL:

AT THE DISTRICT LEVEL - The Chief District Engineer has the authority to approve or disapprove all right-of-way encroachment permit applications. Operations and Traffic agreements with cities do not abolish the state's responsibility for, or jurisdiction of, right-of-way behind the curb. Chief District Engineers have the authority to issue permits for encroachments based on the requirements of this manual.

Permits Issued by a City - Encroachment permits on statemaintained roads within the corporate limits of a municipality may be issued by that city, if the city has provided the state a copy of their policy and procedure that is equal to or more stringent than the Department's. The Department will notify the city, in writing, that they are authorized to issue permits on the Department's behalf.

Routine Utility Installations - May be approved by the District Office on partially or fully controlled access highways if they meet the requirements of the Utility Accommodation Policy, as agreed to by the FHWA or the responsible consulting engineer. (Except the Cumberland, Audubon, William Natcher, and Daniel Boone Parkways)

Gas and Oil Well Drilling - Concurrence may be given by the Chief District Engineer by a "letter of permission" for gas and oil well drilling, on private property, that is closer to the right-of-way than the spacing limitations set forth in KRS 353.610 - 353.620.

PERMITS REQUIRING CENTRAL OFFICE REVIEW - All applications for the following permits are processed in the district up to final signature by the Chief District Engineer, including assignment of application numbers. They are submitted to the central office with the DISTRICT'S RECOMMENDATION.

**A.** Air Space . . . p. 2

## PERMIT APPROVAL (Cont.):

#### PERMITS REQUIRING CENTRAL OFFICE REVIEW (Cont.) -

- A. Air Space
- B. Grading -
  - 1. All requests on interstates;
  - 2. Requests over 10,000 c.y. on any class of roadway;
  - 3. Any request, regardless of volume, if the work involves the Department's drainage structures or if it significantly increases drainage onto the right-of-way.
- C. Traffic signals regardless of the project phase.
- D. Ponding Encroachments.
- E. Right-of-Way fence replacement on fully controlled access facilities.
- F. Unprecedented requests requiring policy development interpretation.
- G. All encroachment requests on, over or under the Audubon, Daniel Boone, Cumberland, and William Natcher Parkways.
- H. Utility encroachment requests on any state maintained facility that are exceptions or fail to comply with Department utility accommodation policy.
- I. Request for access on Interstate or any fully controlled access highway.
- J. Utilities on bridges.
- K. Proposals to add, relocate, or shift entrances on partially controlled access highways.
- L. Proposals for actual roadway grade or alignment changes including railroad crossings or spurs.
- M. Frontage roads on department's right-of-way.
- N. Entrances to developments of significant size where auxiliary lanes, signals, etc. should be considered, no matter how the roadway is classified
- O. Mitigation of Environmental deficiencies required for a categorical exclusion regarding disposal of excess and surplus property. (Form TC 99-28 not required)
- P. Advertising Devices.
- Q. Recyclers.
- R. Significant Drainage Alterations.



The Central Office Permits Branch will determine which requests are submitted to the Federal Highway Administration.

# PERMIT APPROVAL (Cont.):

CENTRAL OFFICE PERMITS BRANCH - The permit requests will be sent to the Central Office Permits Branch, regardless of the phase of the project. The Central Office Permits Branch will process all permits through the appropriate division(s). The district should retain a pending copy until recommendations are received from Central Office. If the application requires consideration by other Central Office divisions, such as Bridges, Operations, or others, they must review the application before proceeding further. If disapproval is recommended, one copy will be retained in the Central Office, all other copies will be returned to the district office for further action or final disapproval.

**CONSULTING ENGINEER** - The following processing procedures should be followed when approving roads under the supervision of a Consulting Engineer before acceptance by the Division of Operations.

- 1. The applicant must submit four (4) copies of the permit application and related documents to the General Consultant's Section Engineer in charge of the project.
- 2. The Section Engineer must check the application to see that it complies with the regulations in the Permits Manual.
- 3. The Section Engineer will forward the application to the District Permits Engineer along with a recommendation.
- 4. The District Permits Engineer must follow the normal processing procedures and advise the section engineer of the final disposition of the application.

## DISTRICT OFFICE DISTRIBUTION:

#### AFTER FINAL SIGNATURE BY THE CHIEF DISTRICT

**ENGINEER** - the application becomes a permit, and the district office should have four (4) copies distributed as follows:

1. Two (2) copies to Permittee (one copy for contractor - except private entrance permits).

Included in the Approval Letter sent to the permittee is a statement that "one copy is provided for the person in charge of the permitted work and must be in his/her possession at the work site." Failure to do so could result in cancellation of the permit by the Department of Highways:

- 2. One (1) copy for Permit Engineer's file.
- 3. One (1) copy for appropriate functional office (Planning, Design, Construction, Operations, or Inspection). Other Department of Highway personnel can be advised of the permit approval by copy of the approval letter.

**DENIAL OF THE PERMIT REQUEST** . . . p. 4

# DISTRICT OFFICE DISTRIBUTION (Cont.):

**DENIAL OF THE PERMIT REQUEST** - If the request is denied, the Chief District Engineer will advise the applicant. The district should keep one (1) set of the documents and return all others, along with indemnity documents (if applicable), to the applicant.

**EXCEPTIONS** - The following are exceptions to the above district office distribution:

Private Entrances - which do not contain unusual, complicated provisions involving drainage, guardrail, etc. Three copies of the application are required with distribution as follows:

- 1. One (1) copy to permittee
- 2. One (1) copy to Foreman of the county where the entrance will be constructed. On projects in the Design or Construction phase, copy two will go to the respective Transportation Engineer Branch Manager (Construction or Design).
- 3. One (1) copy for permit office files.

Master Agreement between TVA and D.O.H. - dated July 19, 1971 provides that: "Tennessee Valley Authority will give written notice and furnish to State, construction plans for the work which plans shall consist of a vicinity map showing the general location and a plan and profile drawing showing the structure locations, approximate highway right-of-way boundaries, and the position of a low conductor or conductors at a temperature of 120F." The preceding covers ALL State and Federal routes. TVA will require no permit and only one copy of the described documents is necessary. A letter of approval to TVA is all they will need.

**PERMITS** 

Chapter

#### GENERAL INFORMATION

Subject

Indemnity Requirements and Procedures

Summary:

This subject discusses the Cabinet's indemnity requirements and procedures, including various indemnity types and amounts required.

GENERAL INFORMATION:

AUTHORITY - KRS 177 106 authorizes the Secretary of Transportation to issue right-of-way encroachment Permits. This allows the Secretary to require that the applicant provide a bond or cash indemnity to insure that all permitted constructions, installations and activities are in accordance with the terms of the permit. It also guarantees that all nonconforming aspects of the work will be corrected without expense to the Department of Highways.

POLICY - The encroachment permit application form must be received and approved before any construction or major modification of any encroachment can be undertaken and the amount of the indemnity for the construction, reconstruction, or relocation of any encroachment must be equal to the estimated cost of the work covered by the permit. However, at the discretion of the district, if the cost of the indemnity would cause a financial hardship on the applicant, the amount may be adequately reduced that allows the Department to remove the encroachment and restore the right-of-way at the permittee's expense.

Before Indemnity can be Released - a representative of the Department must inspect the work authorized by the permit and determine that it meets the requirements of the issued permit and is satisfactory.

INDEMNITY REQUIRED - A bond or cash indemnity for all permits, except private entrances which do not contain unusual, complicated provisions involving drainage, guardrail, etc., is required. The applicant may wish to establish either a temporary or perpetual indemnity.

GOVERNMENTAL AGENCIES - Governmental agencies may be granted permits without bond or cash indemnities by agreeing on a permit-by-permit basis to the conditions established by the Department. This policy is subject to written agreements between the Department and Federal Government agencies and does not necessarily apply to city and county governmental agencies.

PAST PERFORMANCE . . . p. 2

## **GENERAL**

#### INFORMATION (Cont.): GOVERNMENTAL AGENCIES (Cont.) -

Past Performance - Financial responsibility and quality of past performance by permittees will be the guiding factors in applying this policy to governmental agencies.

#### SPECIAL INDEMNITY TO PROVIDE QUALIFIED

INSPECTOR(S) - A qualified inspector (D.O.H. personnel or other) may be required to oversee the work of the permittee if the permitted work is extensive or complicated, or it the Chief District Engineer feels it is necessary. The expense of the inspector is the responsibility of the permittee. A special cash (certified check) indemnity for the cost may be required by the Chief District Engineer.

## GENERAL INDEMNITY TYPES:

**PERPETUAL INDEMNITY** - May be established if the applicant has, or will have, more than one permit installation under construction. A perpetual indemnity is in effect during the construction activities of any and all installations by the permittee. It will remain in effect until all installations have been completed and accepted by the Department of Highways and the permittee informs the D.O.H. that temporary indemnities will be used for future installations. There are three choices when establishing a perpetual indemnity. They are:

A. SELF INSURED - Governmental agencies and public utility companies can be granted self-insured status once they submit an affidavit and self-insured bond to the Central Office Permits Branch (form TC 99-8). The affidavit and bond must verify permanent assets equal to \$500,000.00 that are permanently located in Kentucky. They must also agree to conditions required by the Department of Highways to apply all permits granted under the bond. The affidavit and self-insured bond coverage are filed together in the Central Office Permits Branch indemnity files.

May be Revoked - If a permittee's work is not satisfactorily completed by the completion date stated on the permit, the self-insured coverage privilege may be revoked and the applicant may be required to provide a temporary indemnity (bond or cash) for each permit request in each district.

#### B. STATEWIDE BOND COVERAGE (Procedures) -

 Applicants with operations in more than one district that establish a perpetual indemnity, may do so in each district or a statewide indemnity bond may be filed with the Central Office Permits Branch in Frankfort.

2. BOND AMOUNT CALCULATION . . . p. 3

# GENERAL INDEMNITY TYPES (Cont.):

#### PERPETUAL INDEMNITY (Cont.) -

- B. STATEWIDE BOND COVERAGE (Procedures) (Cont.) -
  - 2. **Bond Amount Calculation -** The bond is calculated at the rate of \$10,000 per highway district in which the applicant plans operations. A larger amount, however, may be required if the Department of Highway deems it necessary.
  - 3. **Provided as a Service** Statewide indemnity is provided for the convenience of permit applicants. This arrangement will be canceled if the permittee does not satisfactorily complete the work by the completion date on the permit and an indemnity will be required for each future permit request.
- C. **DISTRICT BOND COVERAGE** The applicant may establish permanent indemnity in each district in which he/she operates by providing a bond per district in an amount determined by the Chief District Engineer. These bonds must be reviewed every five (5) years to verify date and needs.

TEMPORARY INDEMNITY - Must be in full force and effective until the construction or reconstruction activities of the permit are completed and the work accepted by the Chief District Engineer or authorized agent. The indemnity is released from further liability once inspected and a written notice from the D.O.H. states the work is satisfactory. The amount of the indemnity is set by the Chief District Engineer and is sufficient to cover the cost of completing the work or restoring the right-of-way (at the discretion of the Department) and all appurtenances to the condition before the permitted installation. The amount must be more than the minimal amounts required as stated in other chapters of this manual. There are two options in establishing temporary indemnity. They are:

A. CASH - Certified checks, without an expiration date, can be used for cash indemnities. The checks must be made out to the Kentucky State Treasurer. The district office must provide a fire-proof box or vault for storing the indemnities. They are stored until the work is completed and the indemnity is released. Permit records will reflect amounts, acceptance dates and cash indemnity releases. These records must be available for audit by the Division of Accounts. When work is complete and acceptable and the permittee cannot be located, then after four years, the cash indemnity is submitted through the Central Office Permits Branch to the Division of Accounts. The money will deposited in an appropriate bank account. If the permittee later requests a refund of the cash indemnity it should be made to the Director of the Division of Accounts. At this point, the indemnity should be shown as released to the Division of Accounts in the permit log book.

**B. BONDS** . . . p. 4

# GENERAL INDEMNITY TYPES (Cont.):

#### TEMPORARY INDEMNITY (Cont.) -

B. **BONDS** - Temporary bond indemnities (using form TC 99-7) will not be accepted for less than \$1,000.

INDEMNITY AMOUNTS - Specific indemnity amounts are as follows:

- 1. Self-Insured \$500,000. (Affidavit)
- 2. **Perpetual District Coverage -** Amount determined by Chief District Engineer.
- 3. Statewide Coverage Minimum \$10,000 per district or as determined by Central Office Permits Branch.
- 4. Temporary Indemnity Cash amount determined by the Chief District Engineer. Bond Minimum \$1,000 per permit or as specified in other chapters of this manual.



PERMITS	Chapter	
	GENERAL INFORMATION	
	Subject	
	References and Specifications	

**Summary:** 

This subject lists reference publications used in developing specifications for this manual.

#### REFERENCES:

**GENERAL INFORMATION** - The references listed in this chapter have been used in developing specifications for this manual. The requirements and recommendations contained in these references are applied by the Chief District Engineer in cases not specifically covered by this manual.

Other Agency Requirements - Reference material with requirements of several other state departments and/or agencies are not listed, however, permit applicants must obtain necessary information from each and comply with their respective requirements. Some of these agencies include: Public Service Commission, Cabinet for Health Services (Health), Natural Resources and Environmental Protection Cabinet (Water Pollution), Insurance (State Fire Marshall), and Department of Mines and Minerals (Blasting).

COMMONWEALTH OF KENTUCKY PUBLICATIONS - Kentucky Transportation Cabinet, Office of Policy and Budget - Policy and Procedures Development Branch, State Office Building, Frankfort, Kentucky 40622.

- 1. All Department of Highways guidance manuals;
- 2. Kentucky Department of Highways Standard Drawings;
- 3. Kentucky Department of Highways Standard Specifications for Road and Bridge Construction;
- 4. Kentucky Occupational Safety and Health Standards (KOSHA) for the Construction Industry.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) PUBLICATIONS - AASHTO, Executive Office, 444 North Capital St. NW, Suite 225, Washington, D.C. 20001

1. A Policy on Geometric Design of Highways and Streets (Latest Edition) (Referred to as "Green Book");

AASHTO PUBLICATIONS (Cont.) . . . p. 2

#### REFERENCES (Cont.):

## AASHTO PUBLICATIONS (Cont.) -

- 2. An Informational Guide for Preparing Private Driveway Regulations for Major Highways (Latest Edition);
- 3. A policy on the Accommodation of Utilities on Freeway Rights-of-Way (Latest Edition);
- 4. A Guide for Accommodating Utilities on Highway Rights-of-Way (Latest Edition);
- 5. An Informational Guide for Roadway Lighting (Latest Edition);
- 6. AASHTO Highway Definitions (Latest Edition);
- 7. Highway Design and Operational Practices Related to Highway Safety (Latest Edition);
- 8. Roadside Design Guide (Latest Edition);
- 9. Guide for Erecting Mailboxes on Highways (Latest Edition);
- 10. Transportation Glossary.

#### FEDERAL GOVERNMENT PUBLICATIONS -

# U.S. Department of Transportation, Federal Highway Administration (FHWA), Washington, D.C. 20590

- 1. Federal-Aid Highway Program Manual (FHPM) Volume 6, Chapter 6, Section 3, Subsection 2, Accommodation of Utilities, latest edition;
- 2. F.H.P.M. Volume 1, Chapter 4, Section 4, Utility Relocations and Adjustments, latest edition;
- 3. Circular Memorandum on Accommodating Utilities Within Highway Rights-of-Way (May 21, 1970);
- 4. 23 CFR, Section 713, Subpart B, Management of Airspace.

## U.S. Department of Transportation, Material Transportation Bureau, Office of Hazardous Materials Operations, Regulations Division, Room 6214 TRPT, 2100 Second Street SW, Washington, D.C. 20590

Pipeline Safety Regulations, Enforcement Procedures Part 190, Natural Gas, Part 191 and 192 (1983).

# U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

"Horizontal Boring Technology: A State-of-the-Art Study" (Document number PB180355).

FEDERAL GOVERNMENT PUB. (Cont.) p. 3

#### REFERENCES (Cont.):

### FEDERAL GOVERNMENT PUBLICATIONS (Cont.) -

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Manual on Uniform Traffic Control Devices (MUTCD).

# AMERICAN NATIONAL STANDARDS INSTITUTE, INC. (ANSI) - ANSI, 1430 Broadway, New York, NY 10018.

- 1. Standards for Water Pipe (Standard Numbers A-21, 6-8-12-50-51) (1970, 1971 and 1975).
- 2. National Electrical Safety Code C2 (1973) (Includes four standards in one volume).

# AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) - ASCE, 345 East 47th Street, New York, NY 10017

"Uncased Pipeline Crossings of Railroads and Highways." (1971).

# AMERICAN RAILWAY ENGINEERING ASSOCIATION - AREA, 59 East Van Buren Street, Chicago, Illinois 60605.

(Part 5 Pipelines) "Specifications for Pipelines for Conveying Flammable and Nonflammable Substances" (1972).

WATER POLLUTION CONTROL FEDERATION - WPCF, 3900 Wisconsin Avenue NW, Washington, D.C. 20016.

MOP 9 "Design and Construction of Sanitary Storm Sewers."

NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM REPORT (NCHRP) Report 179; Intersection Channelization Design Guide, Transportation Research Board, National Research Council, Washington D.C., 1985.

VOLUME WARRANTS FOR LEFT-TURN STORAGE LANES AT UNSIGNALIZED INTERSECTIONS, in HIGHWAY RESEARCH RECORD 211, Highway Research Board, National Research Council, Washington D.C., 1967.

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Chapter
GENERAL INFORMATION
Subject
Restoration Requirements

Summary:

This subject discusses the various requirements that a permittee must meet when restoring the right-of-way after completion of the permitted work.

RIGHT-OF-WAY RESTORATION:

COMPLETION DATES - When a permit is issued, a completion date is set at a time of year that allows the applicant a "growing season" to establish acceptable turf in all disturbed right-of-way areas. Likewise, the availability of seasonal materials, such as bituminous surfacing material, should be considered. Some materials are not available between December and April. The completion date should allow enough time to complete the restoration work in full without time extensions. Time extensions should be used sparingly and only in instances where circumstances were beyond the control of the permittee. The Division of Construction will coordinate the work schedule, including completion dates, to avoid conflict with the contractor's construction activities. Completion dates will be set on January 1 or July 1 of any given year. Final inspections will be made based on these dates.

**AESTHETIC VALUES** - must be strongly emphasized. A developer is not permitted to carry out construction that will be detrimental to roadside beauty. Consideration must be given to the salvage and re-use of desirable natural growth. Landscaping, approved by the Department of Highways, may be required.

INSPECTION REQUIREMENTS - (Using TC 99-11) The Chief District Engineer will conduct frequent inspections to determine if any unnecessary hazard to highway traffic has been created and that the effectiveness of existing highway facilities has not been unduly affected by the construction. After construction completion, an inspection of the completed facility will determine if it has been constructed in accordance with the requirements of the approved permit, and that all portions of the right-of-way have been satisfactorily restored. Any highway features that were removed, adjusted, or altered in connection with the permitted work, must be replaced by the permittee after the completion of construction. Any materials of value must be hauled and neatly stacked at a place designated by the Chief District Engineer or his representative.

RE-ESTABLISHING TURF AND GRASS AREAS p. 2

# RIGHT-OF-WAY RESTORATION (Cont.):

RE-ESTABLISHING TURF AND GRASS AREAS - In areas where turf is present, restoration will consist of mechanical tamping, dressing, reseeding, and mulching all affected areas of the right-of-way. All slopes and other portions of the non-surfaced highway buffer area, except rock cuts, must be restored by sodding, seeding, or mulching. The sod method is preferred; however, if the applicant can show that sod is not reasonably available, then seeding and mulching will be allowed. Generally speaking, the procedures outlined in the Department's Standard Specifications will apply. In all cases, a good turf must be guaranteed by the permittee. Permits and bonds will not be released until this condition is met.

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**PERMITS** 

Section

#### LEGAL CONSIDERATIONS

Subject

General Considerations

Summary:

This subject discusses some general legal information as it relates to permits.

GENERAL CONSIDERATIONS:

WHO NEEDS A PERMIT? - Any firm, individual or governmental agency, which desires access to a road on the state highway system or desires to perform work on the right-of-way of such a road, must obtain a permit from the Department of Highways. Contractors performing the work must always have in their possession, a copy of the permit, authorization letter, and detailed drawings of the work to be done.

A PERMIT IS NOT A LICENSE - No permit will constitute a license to perform any work that is inconsistent with or that does not meet the requirements of local, state, federal, and/or any other agency having jurisdiction over the permitted work location. The applicant must obtain approval from all agencies having jurisdiction before beginning work.

TRANSFERAL OF PERMITTED RIGHT - No permitted right can be transferred to another except by written consent from the Department. The use of the permit applied for cannot be changed from one type of business to another without written consent from the Department. No right or privilege belonging to any abutting property owner can be affected, interfered with, or abridged because of the requirements of this manual or by any permit issued hereunder. Neither the Commonwealth of Kentucky, nor the Department of Highways, is responsible for any damage claim which may arise between the applicant and any other property owner concerning said property or its occupancy or use. In all cases which involve joint driveways or other infringements upon abutting properties, the encroachment form must contain, upon initial submission, written consent from all affected property owners. If an application is made to install a privately owned encroachment on the state's right-of-way extending in front of the property of others, the signature of these owners stating their approval, or a copy of the recorded easement, must be on the application before a permit can be issued.

EXCEPTIONS . . . p. 2

**GENERAL CONSIDERATIONS** (Cont.):

**EXCEPTIONS** - The preceding requirements are waived when the applicant is a municipal or public utility company installing facilities to serve the public. When a municipal or public utility company applies for permits to install private facilities not intended to serve the community, they are subject to property frontage rights. Exceptions to the frontage rights are considered on a case by case basis only when roadway right-ofway is owned in fee simple. Approval of exceptions to policy must come from the Central Office Permits Branch. When an applicant seeks a permit to install or extend a utility that is or will be owned and maintained for public use by a utility company, an authorized representative of the utility company must sign the application. At the discretion of the Chief District Engineer, signatures of both the applicant and the utility company representative may be required. Permits issued in accordance with the preceding will not require the signatures nor consent of property owners where the utilities will be placed in front of.

ENVIRONMENTALLY SENSITIVE SITUATION - Should the completion of Form TC 99-28 "Categorical Exclusion Checklist" indicate an environmentally sensitive situation then the Division of Environmental Analysis must review. If they determine that an environmentally sensitive situation exists, then the applicant must mitigate the situation to the satisfaction of the agencies having jurisdiction before they can proceed.

TITLE TO SIGNAL EQUIPMENT - The title to signal equipment installed must be transferred to and remain with the Department of Highways. The operation of the signals are determined and approved by the Department.

SAFETY - Department personnel are responsible for emphasizing the safety provisions in the permit. The Department and the Permittee must comply with the Kentucky Occupational Safety and Health Act which establishes and enforces safe working requirements. The Chief District Engineer may revoke a permit or obtain an injunction to halt work by the permittee until safety violations are corrected.

> Use of Explosives - Kentucky law requires that persons who use explosives be licensed by the Department of Mines and Minerals. They set safety precautions to be followed in blasting operations. Blasting operations that are close to overhead power lines, communication lines, utility services, or other services and structures can not be conducted until the operators and/or owners have been notified and measures for safe control have been taken. All traffic control by the applicant must comply with the Manual on Uniform Traffic Control Devices.

> > ARCHAEOLOGICAL COORDINATION . . . p. 3

# GENERAL CONSIDERATIONS (Cont.):

ARCHAEOLOGICAL COORDINATION - Whenever archaeological artifacts are discovered during construction or maintenance work, contact the Division of Environmental Analysis immediately. The Division of Environmental Analysis has an archaeologist on staff. The Office of the State Archaeologist, located at the University of Kentucky, may also be contacted. Following this consultation, further action may be decided on a case-by-case basis by the State Highway Engineer or his designated representatives.

#### GAS AND OIL WELL DRILLING ADJACENT TO RIGHT-OF-

WAY - Gas well drilling must be "500 feet from premises" of proposed well boundary or property line and "1000 feet from premises" of proposed well to existing producing well on adjacent property. Proposed oil wells must be "300 feet from premises" of proposed well to boundary or property line and "660 feet from premises" of proposed well to existing producing well on adjacent property. In addition, the Fire Marshal's office advises that KRS 227.300 and administrative regulations 815.KAR 10:020 (Section 11) says that no drilling can occur within 25 feet of a road or street.

Letter of Permission - The Chief District Engineer may write a "letter of permission" to a requesting party which would allow drilling to occur closer to the right-of-way than the preceding requirements, subject to the approval of a variance by the Department of Mines and Minerals. A field review should be made with the requesting party to determine an acceptable distance from the right-of-way for drilling.

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Section

## **PERMITS**

#### LEGAL CONSIDERATIONS

Subject

General Liability and Responsibility of Permittee

Summary:

This subject discuses some of the permittee's legal responsibilities and liabilities.

GENERAL INFORMATION:

**OTHER GOVERNMENTAL AGENCY REQUIREMENTS -** A permit does not negate any requirements of any other governmental agencies.

PERMITTEE RESPONSIBILITIES:

**DAMAGES OR LIABILITIES** - The permittee must at all times hold harmless the Commonwealth of Kentucky, Department of Highways or any political subdivision of the Commonwealth from responsibility for any damages or liability arising from the installation, construction, maintenance, repair, operation or use of the permitted facility.

RELOCATION, REVISION OR REMOVAL OF FACILITY - If there is a violation of any of the permit provisions, or if the Department determines it is necessary for a permitted encroachment to be removed or relocated in connection with the reconstruction, relocation or improvement of the abutting highway or if the Department determines the encroachment interferes with the safe, convenient, and continuous use or maintenance of the Department's right-of-way upon, over, or under the location of the encroachment, the Department may revoke the permit and require removal or relocation by the permittee. The permittee will be notified, in writing, to remove any such encroachment from the right-of-way within a reasonable time, as stated in the notice. The permittee is also responsible for any expenses incurred. If the encroachment is not removed and the right-ofway restored, the Department may remove it and charge the cost to the permittee, except in cases where the Department is required by law to pay any or all of the incurred costs. KRS 177.106 requires that a minimum 30day notice be given to an encroacher to remove the encroachment from the right-of-way. More time may be allowed as determined by the District. When a legal notice is used (TC 99-14), it should only be mailed to the encroacher with a copy to the bonding company (if applicable) one time by registered mail with a return receipt requested.

DAMAGE TO HIGHWAY FACILITIES . . . p. 2

PERMITTEE RESPONSIBILITIES (Cont.):

DAMAGE TO HIGHWAY FACILITIES - Any damage or disturbance to highway facilities, appurtenances, natural growth, or any feature within the right-of-way, other than as authorized by permit, must be repaired or replaced by the person responsible as directed by the Department. If no action is taken by the encroacher, the Department may remove the encroachment or correct the problem and charge the cost to the encroacher.

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**PERMITS** 

Section

#### LEGAL CONSIDERATIONS

Subject

Default by Permittee or Illegal Encroachment

Summary:

This subject discusses the issues involved when a permittee defaults or an illegal encroachment exists.

PERMITTEE DEFAULT OR ILLEGAL ENCROACHMENT:

**DISTRICT RESPONSIBILITY** - When an unauthorized encroachment is discovered, or if a permittee becomes default, then the District will take the necessary action to restore the right-of-way and the highway facility to a safe and acceptable condition. The cost of this work will be collected from the encroacher. Examples of permittee default include, but are not limited to:

- Unsatisfactory work;
- Work not completed by completion date set in the permit;
- Work stoppage on the project creates a danger to the traveling public;
- Expiration of a reasonable time extension and a legal notice.

COMPLETION BY THE DEPARTMENT OF HIGHWAYS - If feasible, the district may use state personnel, equipment, and materials to restore disturbed right-of-way caused by defaulted permits. On projects in the construction phase, the Department may authorize the contractor to

correct the problem as provided in the Construction manual.

EMERGENCY PURCHASE CONTRACT - If the Department determines that an emergency exists as the result of an incomplete permit, the district will consult with the Division of Purchases and the Division of Accounts to negotiate with prospective vendors, encumber funds, and establish an Emergency Purchase (TP) Contract to restore the right-of-way to its original form and/or safe condition.

CONTRACT BIDS - If the required restoration of a highway facility requires work by CH Contract, the district will prepare the necessary plans and formal estimates and submit them through the normal channels so the work can be advertised for bid.

PROCEDURES TO RECOVER COSTS . . . p. 2

# PROCEDURES TO RECOVER COSTS:

INCURRED BY THE DEPARTMENT - Any corrective work performed by the Department or its contractors, as a result of any encroachment, will be accurately cost documented. In order to secure reimbursement of expenditures from a permittee's performance cash or surety bond or from the person(s) responsible for an illegal encroachment, the district must follow the following procedures:

Illegal Encroachments that Hinder or Prevent Use or Maintenance of Roads or Right-of-Way - After the legal notice time limit expires and the encroacher refuses to remove the encroachment or obtain a permit, the district may remove the encroachment and charge the violator with the cost of removal. If the state does not receive reimbursement within the specified time indicated on the bill sent to the property owner by registered mail (return receipt requested), the district will immediately begin pursuing the matter as outlined in chapter PE-109-4 (encroachment suits).

Use of Road Proceeds (Permitted Encroachments) -After the legal notice time limit expires and the encroacher refuses to conform to the terms of the notice, the district will cause the completion of work in conformance with the terms of the permit or remove the encroachment and charge the violator with the cost of removal and restoration of the right-of-way. The district will send the bonding company an itemized statement for the cost of the work by registered mail (return receipt requested) with a reasonable specified time for payment. If reimbursement is not received by the expiration of the time limit, the district will immediately begin pursuing the matter as outlined in chapter PE-109-4 (encroachment suits).

Use of Cash Indemnity - The certified check provided by the permittee as indemnity may be submitted to the Division of Accounts through the Central Office Permits Branch for endorsement in payment of the costs incurred by the Department for completing or correcting a permitted encroachment. It is not necessary to require bids for this work, but the amount to be paid must be predetermined before the work begins. The amount cannot exceed the amount of the cash indemnity. If the cost of the work does exceed the cash indemnity amount and there is no response from the property owner for the balance billed to him/her by a specified date, the district will immediately pursue the matter as outlined in chapter PE-109-4 (encroachment suits). If the amount of the cash indemnity exceeds the cost of the work, the Division of Accounts will deposit this amount to the road fund and refund the balance to the district for forwarding to the encroacher.

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**PERMITS** 

Section

#### LEGAL CONSIDERATIONS

Subject

Revocation or Modification of Permits -Removal of Encroachments

Summary:

This subject addresses the Transportation Cabinet's authority to regulate encroachment permits and the actions that are taken when a permittee defaults or an illegal encroachment exists.

GENERAL INFORMATION:

REVOCATION OR MODIFICATION OF ENCROACHMENT PERMITS AND REMOVAL OF ENCROACHMENTS - KRS

177.103 - 177.106 requires a 30 day notice. This may be done in person, fully documented and witnessed, and followed up with a written notice. The written notice must be dated no later than the next working day and the time limit will begin the day verbal notice was issued and so noted on the written notice. A copy of each notice will be sent to the Central Office Permits Branch. Once the 30 day notice expires, the District will determine the status of the encroachment. If it still remains, the district operations engineer (when feasible) will remove it within 3 working days, without consideration to damages to the encroachment. If the District is unsure whether to remove the encroachment or file suit, they should consult the State Highway Engineer for guidance.

KENTUCKY REVISED STATUTES:

KRS 177.103 - Definitions as used in KRS 177.106, unless the context otherwise requires:

- 1. Roads includes highways, bridges, and bridge approaches.
- Encroachment any improvement to land constructed, created, or implemented or any change from the original contour thereof. This includes, but is not limited to, buildings, fences, ditches, embankments, driveways, or signs which hinders or prevents use or maintenance of roads or rights-of-way.
- 3. Person any individual, firm, co-partnership, joint venture association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, cooperative, or any other group or combination acting as a unit.

KRS 177.106 . . . p. 2

## KENTUCKY REVISED STATUTES (Cont.):

KRS 177.106 - Highway encroachment permit - Removal:

- 1. Before an encroachment can exist on, over, or under any part of a state highway right-of-way, a person must obtain a Department of Highways permit. If an encroachment interferes in any way with the safe, convenient, and continuous use and maintenance of a state highway, the Department of Highways will issue the encroacher a thirty (30) day notice to remove or relocate the encroachment at his own expense.
- 2. Whenever an order of the Department of Highways requires such removal or change in location of any encroachment from the rightof-way of a road and the encroacher doesn't remove or relocate the encroachment within the time stated in the notice, the Department of Highways will remove the encroachment. The expense incurred by the Department will be charged to the encroacher and collected and paid into the state treasury as provided by law.

**DEPARTMENT OF HIGHWAYS' AUTHORITY - Any permit** granted by the Department of Highways in accordance with this manual is subject to revocation and modification by the Department in accordance with KRS 177.106. If at any time an encroachment interferes with the safe, convenient, and continuous use and maintenance of a state highway's rightof-way, the permit can be revoked or modified by the Operations Engineer and the cost for removal or restoration of the right-of-way collected from the permittee.

## ADDITIONAL **ENCROACHMENT** INFORMATION:

APPLICANT'S DEVELOPMENT PLAN - A statement must be included that completely details the applicant's plan for development of the area in question. Deviation from this plan will be cause for review of the permit, if granted, and possible cause for major modification or revocation.

#### UNSTABLE OR TEMPORARY ENCROACHMENTS -

Encroachments considered unstable or temporary must be removed from the state's right-of-way if the removal would not endanger public life or property. Whenever the Department revokes or modifies a permit or removes an encroachment, the permittee or person responsible for the encroachment will be given a written legal notice to remove it or cause it to be removed. If the encroachment is not removed or modified to conform to the Department's order within the time specified on the notice, the Chief District Engineer will take the necessary action to have the encroachment removed and the cost recovered from the encroacher.

REMOVING ILLEGAL SIGNS . . . p. 3

ADDITIONAL **ENCROACHMENT INFORMATION (Cont.):** 

REMOVING ILLEGAL SIGNS - Signs may be removed from the rightof-way, after notification to the encroacher, by the Department. This notification may be a one time notice in the local newspaper advising when a roadway will be cleared of such encroachment by Operations. The notification will include information where the signs may be picked up, if removed, and a time limit on how long the Department will hold the signs.

ENCROACHMENT OF SIGNIFICANT VALUE - Encroachments considered stable or permanent should be considered on their own merit. If the removal of these encroachments is unfeasible or would create a hardship, any action taken must be approved by the Secretary or his designated representative. If such encroachments interfere with the safe, convenient, and continuous use and maintenance of the state's right-ofway, the encroacher will be given legal notice to remove the encroachment. If the encroachment is not removed or modified to conform to the Department's order within the time specified on the notice, the Chief District Engineer will take the necessary action to have the encroachment removed and the cost recovered from the encroacher.

ENCROACHMENT MODIFICATION - Any firm or individual making a modification to an existing facility or encroachment will be required to apply for a permit from the Department of Highways and make the changes in accordance with the standards established by the Department. If the person making the modification does not follow the standards or provisions of their permit, the Chief District Engineer will obtain an injunction to halt further work items until the existing work meets the required provisions.

**COMPLETION DATE EXPIRATION -** If the work has not been completed within the specified time, the district will notify the permittee in writing that, unless just cause for the delay is shown, the work will be completed or the partially completed facility will be removed after a period of 30 days by the Department, and the indemnity will be encumbered to defray the cost. If just cause for the delay is given, the district may grant a reasonable extension of time. The legal notice may be waived on highway construction projects to prevent undue delay to the contractor.

Utility Agreements - should specify an approximate completion date to prevent interference with the contractors schedule. Normally, the project contract will not be let until relocations are complete.

**ENCROACHMENT SUITS:** 

GENERAL INFORMATION - No encroachment suit can be filed on behalf of the Department until authority has been obtained by the Central Office Permits Branch. A specific written request to file an encroachment suit must be made by the Branch Manager of Permits prior to the decision allowing an encroachment. Such requests must be approved by the State Highway Engineer.

LEGAL ACTION . . . p. 4

## **ENCROACHMENT** SUITS (Cont.):

LEGAL ACTION - Form TC 99-24 (District Office) - In requesting an encroachment suit, the following information must be submitted to Central Office Permits Branch:

- 1. Description of the right-of-way and the encroachment;
- 2. Name and address of adjoining landowner and party causing the encroachment;
- 3. Location of encroachment;
- 4. Sources and nature of Department's title to the right-of-way;
- 5. Exhibit showing right-of-way encroachment;
- 6. Copy of notice to remove encroachment and date of issue by the District.

FINAL PROCESSING OF THE REQUEST - Upon receipt of a request to file an encroachment suit, the Central Office Permits Branch will consult the appropriate Legal Counsel who will decide what legal action will be taken by the Department. If the Legal Counsel determines that filling an encroachment suit is appropriate, they will prepare the complaint and summons and forward it along with a memorandum assigning the case to the appropriate attorney.

	Chapter
PERMITS	UTILITIES
	Subject
	Policy and General Information

Summary:

This subject discusses the Department's policy for utility facility installations within road and street right-of-way limits.

GENERAL INFORMATION:

PURPOSE OF THIS CHAPTER - to prescribe the policies and conditions for accommodating utility facilities within the right-of-way limits of the roads and streets within the Kentucky State Highway System. Any utility company, firm, individual or governmental agency that wants to perform any type of work or activity other than "routine maintenance" (defined in subject PE-102) on the right-of-way of any road or street within the Kentucky State Highway System must obtain a permit from the Department of Highways. Form TC 99-1 is used to process the applications for utility permits. Applications must be made in the name of the owner that will perform the work. It must be signed by an official representative whose signature is legally binding upon the applicant. The policies in this chapter apply to the facilities of all railroads and utilities operating on Kentucky owned right-of-way with the exception of utility lines necessary for servicing highway facilities.

**UTILITY INSTALLATION:** 

GENERAL POLICY - Utilities are permitted to cross any road or highway with certain restrictions. When practical, they should generally cross perpendicular to the highway alignment and preferably under the highway. Existing facilities which cross the right-of-way at a number of points within the same area should be combined, when practical.

SAFETY AND AESTHETICS - must be considered when determining the effects of utility installations. Operational characteristics of the highway and the cost of the construction and maintenance of the utility in accordance with FHPM 6-6-3-2, Accommodation of Utilities, must also be considered. The type and size of the utility facilities and the manner and extent to which they are permitted within scenic areas can materially alter the visual quality of highway roadsides. Such areas include scenic strips, overlooks, rest areas, recreation areas, and rights-of-way of adjacent highways to these areas. Also included would be rights-of-way of highways which pass through public parks and historic sites.

**DEDICATED STRIPS OF LAND** . . . p. 2

# DEDICATED STRIPS OF LAND:

NOT UNDER DEPARTMENT OF HIGHWAYS CONTROL - Strips of land, adjacent to, but not within highway rights-of-way limits, which have been dedicated for public use by a Planning Commission are not under the control of the Department of Highways, concerning where utilities are placed. The Department will not issue utility encroachment permits for utility installations on these dedicated strips of land.

Subject to Change - It is the Department's policy that utilities may utilize dedicated public use lands without permit from the Department. This, however, is subject to change if the Department acquires the dedicated land for highway right-of-way. The utility company would then have to relocate their facilities without compensation.

ADJACENT STRIP OF DEDICATED LAND - If a utility company applies for a permit to locate on a highway right-of-way where there is an adjacent strip of dedicated land, the application should be treated in a routine manner. The Department does not intend to force the use of dedicated strips for utilities in lieu of highway right-of-way; but it is suggested that the dedicated strips be used instead, without permit from the Department. Requests to place encroachments on land owned by the Department of Highways (but not for highway purposes) will be referred to the Division of Property & Supply Services by the Chief District Engineer.

## UTILITY INSTALLATIONS ON BRIDGES: O

ONLY WHEN REQUIRED - It is the Department's policy to grant approval of utility installations on bridges only when extensive engineering and economic research shows that all other means of accommodating the utility are not practical. Other means include, but not limited to, underground, under-stream, independent poles, cable supports, tower supports, etc., all of which are completely separated from the bridge.

PIPE LINES ON BRIDGES - It is the Department's policy not to approve any applications for installations of pipe lines on bridges carrying any combustible material such as gas, petroleum, and similar materials required to be transmitted under pressure. In rare instances, where such installations on bridges are considered, there will be no general policy, and each permit request will be subject to individual requirements as directed by the Department.

THIS POLICY APPLIES EQUALLY TO - all bridges, both proposed and existing, for all highways on both federal aid and non-federal aid systems. It also applies to the modification of any existing utility installation on any bridge in the state-maintained system. It applies to all utilities proposed to be supported by bridge structures. This policy will apply only to approved permit installations. It does not apply to utilities servicing facilities required for public highway operation, such as bridge lighting, signing, navigation lighting, aviation lighting, toll facilities, etc.

CABLE TELEVISION LINES . . . p. 3

# CABLE TELEVISION LINES:

**SAME AS UTILITIES** - Cable television lines (CATV) should be considered under the same criteria as utilities and therefore be considered as encroachments. They should be processed as utility permits and under utility criteria.

# FIRE HYDRANT 'LOCATION MARKERS:

REQUIREMENTS - The installation of blue raised pavement markers to delineate the locations of fire hydrants may be allowed by permit. The installation and maintenance of these markers is the sole responsibility of the applicant. Markers other than type V, as described in sections 740 and 840 of the current Department of Highway's Standard Specifications for Road and Bridge Construction, can be no larger than 4.75" x 4.75" at the base with a height no larger than 0.75" after bonding to pavement. Installation of markers cannot disturb the pavement except when a type V marker is used. The markers should be installed in the center of the nearest lane fronting the fire hydrant and is limited to one marker per hydrant location for undivided highway and one marker for each direction on divided highways.

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**PERMITS** 

Section

#### CONDITIONS AND REQUIREMENTS

Subject

Specific Requirements

Summary:

This subject discusses specific requirements for utility installations involving drainage facilities, open trenching, and excess spoil material.

SPECIFIC REQUIREMENTS:

UTILITY INSTALLATIONS INVOLVING DRAINAGE - Utility lines such as water, gas, sewer, telephone, power and television cable should not be placed in or through existing drainage structures. Care should be given not to disturb existing drainage facilities. Underground utility facilities should be backfilled with pervious material with outlets provided for entrapped water. Under drains should be provided where necessary. No jetting or puddling will be permitted under the roadway.

OPEN TRENCHING - Pavements, shoulders, roadways, or ramps may not be excavated by the open trench method, except with the approval of the Department of Highways and the FHWA (where applicable). Surface restoration, when open trenching is allowed, must be done in accordance with Form No. TD 99-13. Backfilling and bedding details must be in accordance with the Department of Highways Standard Drawings No. RDI 020 (latest edition) and RDI-025 (latest edition). Unless specified otherwise by the Chief District Engineer, flowable fill must be used as backfill material.

**EXCESS SPOIL MATERIAL** - All excess materials and refuse from any installation must be removed from the right-of-way and must be disposed of completely off the limits of the roadway facility.

**\*\*\*** 

CONDITIONS AND REQUIREMENTS

Subject

Utility Installations - Fully Controlled Access Highways

Summary:

This subject details the requirements that must be considered when installing utilities on fully controlled access highways.

# UTILITY INSTALLATIONS:

WHERE ARE THEY PERMITTED? - Generally, a utility will not be permitted to be installed longitudinally within the control of access lines of interstate or other fully controlled access highways. Exceptions may be allowed only when the utility owner can show:

- A. No Adverse Affects The utility facility will not adversely affect the safety, design, construction, operation, maintenance, or stability of the freeway;
- B. Construction/Servicing The utility facility will not be constructed and/or serviced by direct access from the through traffic roadways or connecting ramps;
- C. No Interference The utility facility will not interfere with or impair the present use or future expansion of the freeway; and
- D. Alternative Location Not in the Public Interest This determination would include an evaluation of the direct and indirect environmental and economic effects including, but not limited to, the loss of any productive agricultural land or productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility.

Utilities may be located along frontage roads or utility strips where they can be serviced without access from the through roadways or ramps.

#### **UTILITY CROSSINGS:**

AT GRADE SEPARATION STRUCTURES - Where a utility follows a crossroad, street, or railroad which is carried over or under an interstate or other fully controlled highway, the utilities are to be located within the normal right-of-way of the existing or relocated crossroad, street, or railroad. They may cross through the highway grade separation structure, provided installation and servicing can be accomplished without access from the interstate through traffic roadways or ramps. Where distinct advantages and appreciable cost savings are effected by locating the utilities outside the normal right-of-way of the crossroad, street, or railroad, they may be located and treated in the same manner as utility lines

### **UTILITY CROSSINGS** (CONT.):

## AT GRADE SEPARATION STRUCTURES (CONT.) -

crossing the interstate highway at points removed from grade separation structures.

**OVERHEAD UTILITY LINES** - Overhead utility lines crossing an interstate or other fully controlled highway outside the normal right-of-way of a crossroad, street, or railroad should be adjusted so that supporting structures are located outside the control of access lines. In any case, a clear zone must be provided as designated in the current edition of the AASHTO publication "Roadside Design Guide." Supporting poles must be a minimum of 30 feet beyond the edge of the shoulder. Supporting poles must not be placed in medians 80 feet or less in width. Where rightof-way lines and control of access lines are not one and the same. supporting poles may be located on right-of-way outside the controlled access right-of-way. In extraordinary cases, where such spanning of the roadway is not feasible, consideration should be given to conversion to underground facilities to cross the interstate or other fully controlled highway.

Vertical Clearance - The vertical clearance of overhead utility lines crossing any interstate or other fully controlled highway must be a minimum of 24 feet as required by the state. In no case can the clearance by less than that required by the National Electrical Safety Code. At interchange areas in general, supports for overhead utilities will be permitted only where all of the following conditions are met:

- The necessary clearance is provided (24 feet required in Kentucky).
- The minimum lateral clearance is in accordance with AASHTO "Roadside Design Guide", latest edition, at least 20 feet from edge of ramp shoulder.
- Essential sight distance is not impaired.
- The utility can be serviced without direct access from the through-traffic roadway and ramps of the interstate or other fully controlled highway.

UNDERGROUND - Underground utility crossings of interstate or other fully controlled highways must be installed so there will be minimal, if any, disturbance to the roadway when performing maintenance or expansion projects. Encasement of utility lines under the highway right-of-way are required except in unusual circumstances where it is not feasible or if the Department doesn't consider it necessary. In such cases, special designs may be considered. The minimum depth of burial is 30" under roadways, ramps, and ditches and 18" in other areas. Valves, vents, drips, blow-offs, etc., must be located outside the right-of-way.

### UTILITY **CROSSINGS (CONT.):**

#### UNDERGROUND (Cont.) -

Provisions must be made so that these facilities can be maintained without access from through-traffic roadways or ramps.

Encasement Requirements - Encasements may be constructed of concrete, steel, or iron pipe of sufficient size to allow the carrier pipe to be removed or replaced, if necessary. The diameter of the hole through which the encasement is placed cannot be more than one inch larger than the outside diameter of the encasement.

Conditions Where Encasement Not Required - The following lists conditions where encasement is not required by the Department:

- a. Cathodically protected carrier pipe is used that is coated and wrapped by a substantial girdling cover and is sufficiently oversized so, in case of failure, a smaller carrier pipe can be placed in it. For example: if the carrier pipe on each side of the encasement area is 12" in diameter, the carrier pipe within the right-of-way limits should be 18" in diameter.
- b. Coated and wrapped cathodically protected carrier pipe with extra heavy wall thickness within the right-of-way limits in accordance with current USA Standard Code for Pressure Piping, Gas Transmission and Distribution Piping Systems. (See Reference and Example Book Reference No. 613-B)

Excavating - Pavements, shoulders, roadways, or ramps cannot be excavated by the open trench method except where there is no alternative and then only with the approval of the Department and the Federal Highway Administration (where applicable). The methods that are used instead of open trenching are auguring, jacking, boring, pushing and tunneling. All overbreaks and voids must be filled with suitable materials approved by the Chief District Engineer.

Existing Underground Utility - Where an underground utility already exists within the proposed right-of-way of a freeway and the grade elevation is such that it need not be relocated, it may remain provided it can be serviced, maintained and operated without access from the through traffic roadways or ramps. It also must not adversely affect the safety, design, construction, operation, maintenance or stability of the freeway. Consideration must be given to the existing alignment, the adequacy of design, and the strength and longevity of materials, in determining whether the utility is to remain, be rehabilitated in the same location, or be relocated.



Section

### CONDITIONS AND REQUIREMENTS

## **PERMITS**

Subject

Utility Installations - Highways Other Than Fully Controlled Access

Summary:

This subject details the requirements that must be considered when installing utilities on highways other than fully controlled access.

UTILITY INSTALLATION:

GENERAL INFORMATION - Utility installation may be permitted longitudinally within, as well as across, the right-of-way limits of other than fully controlled access highways. This is provided that they do not interfere with the safe use of the roadway, median and shoulder areas and will not interfere with the maintenance operations or aesthetics.

UNDERGROUND
UTILITIES INSTALLED
LONGITUDINALLY:

**REQUIREMENTS** - These utilities must be buried at least 18". Exceptions may be made only where the terrain is such that this requirement would prove impractical **and** where location of pipelines on the surface would not interfere with highway maintenance, safety, or aesthetics.

NEW OR RELOCATED UTILITIES - New or relocated utilities installed longitudinally must be located back of the ditch line and toe of slope as near the edge of right-of-way as practical. Where curb and gutters are provided, underground utilities should be located in the utility strip back of the curb when possible. On divided highways with medians, special circumstances may warrant location of longitudinal utility lines in the median strip.

EXISTING LONGITUDINAL FACILITIES - Existing longitudinal storm sewers, sanitary sewers, combination storm sanitary sewers, telephone conduits, power conduits, water lines, oil lines, gas lines, or other type utility lines may be permitted to remain under pavement and shoulder areas, if the Department is satisfied that the facilities will be maintenance free, not requiring cutting or disturbing the pavement and shoulder areas. Any required manholes for such facilities should be relocated outside intersection areas to minimize any interference with traffic. Distribution and service lines constructed of maintenance-free materials and in good condition may remain under a proposed pavement, provided full provision is made for all future service requirements by stubbing out service lines on either side of the new construction, prior to placing the proposed pavement.

NEW FACILITIES . . . p. 2

## UNDERGROUND UTILITIES INSTALLED LONGITUDINALLY (Cont.):

NEW FACILITIES - Generally, new facilities are not installed longitudinally under proposed pavement and shoulder areas. Only when there is no other practical location available may any new facility be placed under the pavement and shoulder area. If this installation is allowed, it must be constructed with long life materials which are expected to be maintenance free. Every provision must be made to minimize the need of having to cut the pavement or interfere with traffic in the future.

SPECIAL CIRCUMSTANCES - If crossroads or entrances adjacent to the mainline roadway are paved with concrete or bituminous surface, they should be bored. Exceptions may be made if the Permit Engineer determines that boring is not feasible due to: solid rock, excessive disturbance of landscaping, established by a property owner or the volume of excavation for the boring pit and tail ditch (necessitated by the size and depth of the facility) would not be reasonable. If traffic bound is present, the open cut method may be used provided they are maintained in a traversable condition during construction. When the work is finished, they must be returned to the equivalent of their original condition.

## UNDERGROUND **UTILITY CROSSINGS:**

INSTALLATION - Underground utility crossings of roads or highways should be installed in a manner that will minimize the need for disturbing the roadway for maintenance or expansion operations. Underground utilities must be constructed with materials that are expected to render long, trouble-free life, and in most cases, be encased to allow removal and replacement without having to cut the pavement.

PREFERRED INSTALLATION METHODS - The preferred methods used in installation are auguring, jacking, boring, pushing, and tunneling. Pipe lines or other utility crossings beneath the pavement must have sufficient connections so repairs can be made without disturbing the roadway surface. Manholes and other points of access to underground utilities may be permitted within the right-of-way if located where they will not interfere with maintenance of the roadway facility or present a safety hazard to the road users.

OPEN TRENCHING - Exceptions To - Pavements, shoulders, roadways or ramps can not be excavated by the open trench method except with the approval of the Department and Federal Highway Administration (where applicable). Surface restoration, when open trenching is allowed, must be done in accordance with Form No. TC 99-13. Backfilling and bedding details must be in accordance with the Department's Standard Drawing No. RDI-020 (latest edition) and RDI-025 (latest edition).

ENCASEMENT OF UTILITIES . . . p. 3

#### **ENCASEMENT OF** UTILITIES:

**REQUIREMENTS** - Construction methods that allow voids in the roadway foundation are not permitted. If boring or auguring methods are used, encasement will be required unless the carrier pipe is constructed of a continuous, uniform diameter which is the same size as the bored or augured hole. The encasement pipe must be of sufficient size and joint design that allows the carrier pipe to be removed or replaced, if necessary, and must extend from toe of fill or to back of the ditch line. No bell and spigot pipe nor other pipe that does not have a uniform outside diameter will be permitted in bored or augured installations unless they are encased.

CONDITIONS WHERE ENCASEMENT NOT REQUIRED - The following are construction methods where encasement is not required by the Department:

- 1. Cathodically protected carrier pipe is used that is coated and wrapped by a substantial girdling cover and is sufficiently oversized so, in case of failure, a smaller carrier pipe can be placed in it. For example: if the carrier pipe on each side of the encasement area is 12" in diameter, the carrier pipe within the right-of-way limits should be 18" in diameter.
- 2. Coated and wrapped cathodically protected carrier pipe with extra heavy wall thickness within the right-of-way limits in accordance with current USA Standard Code for Pressure Piping, Gas Transmission and Distribution Piping Systems. (See Reference and Example Book Reference No.713-B-1)
- 3. Pipe crossings 2" in diameter and under will not require encasement provided they are buried at least 30" below bottom of ditches, shoulders, and roadway surfaces.
- 4. Encasement is not necessary if the carrier pipe has a continuous, uniform outside diameter which is the same size as the bored or augured hole and if the proposed work will be constructed with materials and by methods (for road crossing, where applicable) in accordance with the following standards:
  - US Department of Transmission Pipeline Safety Part 191-192
  - USA Standards for Water Pipe (different pamphlets cover specific materials). (See PE-107, ANSI #1)



A copy of the design criterion for unencased piping must accompany the application and the applicant must certify that the pipe meets the design criteria.

UTILITY COMPANY RESPONSIBILITY . . . p. 4

### **ENCASEMENT OF** UTILITIES (Cont.):

UTILITY COMPANY RESPONSIBILITY - It must be understood by the utility company that in the event of a failure in the line not encased, the company may be required to abandon the existing line and install a new crossing by boring, auguring, tunneling, or pushing.

### **OVERHEAD UTILITIES:**

#### **INSTALLED LONGITUDINALLY -**

- 1. Utility Poles or Towers With Cross-arms must be located no more than five feet in side the right-of-way line except for offsets in the rightof-way line due to high fills, deep cuts, or other obstructions.
- 2. Utility Poles or Towers Without Cross-arms must be located no more than 18" inside the right-of-way line except for offsets in the right-ofway line due to high fills, deep cuts, or other obstructions.

CURB AND GUTTER SECTIONS - On highway projects where curb, gutter, and sidewalks are provided, overhead utilities will normally be located behind the sidewalk as near the right-of-way line as practical. The grass strip between the sidewalk and the curb will normally be reserved for underground utilities.

OVERHEAD UTILITY CROSSINGS - The vertical clearance of an overhead utility crossing on a highway other than fully controlled access highways must be a minimum of 18 feet but in no case will the clearance be less than the requirements of the National Electrical Safety Code.

## UTILITIES ON **BRIDGES:**

**REQUIREMENTS** - In all cases where permit approvals are requested, the following requirements will apply:

- A. Structure designs, situations, and capacities to accommodate utilities are variable, and any proposed bridge attachment will be considered on its own merits. In no case will the highway interest be compromised or sacrificed for the positioning of a utility that would deny or complicate access to any portion of the bridge for repairs or maintenance.
- B. All permanent installations will be placed below the elevation of the bridge floor, when possible. Only where necessary for maintenance of the utility will installations be permitted on the outside of beams or girders. In this event, the utility must be located underneath the curb or sidewalk. Emergency, temporary permits to the contrary will expire one year from the date of issuance and are not renewable.

UTILITIES ON BRIDGES (Cont.) p. 5

## UTILITIES ON BRIDGES (Cont.):

#### REQUIREMENTS (Cont.) -

- C. Utilities will not be permitted to be installed through the back walls of abutments under approach pavements to bridges at elevations above the elevation of the bridge seat.
- D. All water carrier pipes must be properly insulated.
- E. Adequate provisions must be made for expansion and contraction due to temperature by line bends, expansion couplings, or other approved means.
- F. No rigid type connections will be permitted. All utilities must be supported by mountings or hangers that are cushioned from noise and vibrations. All support rollers, saddles, or hangers must be coated or padded with neoprene or other suitable material.
- G. No field welding, other than that approved on submitted installations drawings, will be permitted. All field welding must be performed by welders, qualified in accordance with the Department's current specifications.
- H. On interstate highways and other freeways, all utility installations must conform to a Policy on Accommodation of Utilities on Freeway Right-of-Way adopted by the American Association of State Highway Transportation Officials, latest edition, and subsequent revisions and amendments.
- I. No utility can be located where it will reduce the bridge's vertical clearances above stream, railroad rails, or pavement.
- J. All electrical transmission lines must be properly insulated and shielded, in conformance with current existing electrical codes, which will provide all necessary protection to maintenance personnel and eliminate any chance for bridge steel grounding stray currents.
- K. Emergency shut-off valves, emergency switches or automatic regulating devices must be provided at or near each bridge approach to prevent build-up or excessive liquid or gaseous pressure or electrical current.

## UTILITY **ENCROACHMENTS:**

NEW ROADS IN THE STATE SYSTEM - When any road is accepted and added to the state system, all existing utilities within the right-of-way will be considered permitted provided they do not present a hazard to the traveling public or a traffic problem.



Section

CONDITIONS AND REQUIREMENTS

## **PERMITS**

Subject

Utility Agreements and Cost Participation

**Summary:** 

This subject describes the Cabinet's policy on utility agreements and cost participation as it relates utility relocation.

UTILITY RELOCATION:

PRIVATE RIGHT-OF-WAY - If a utility is being partially relocated from private right-of-way to accommodate highway construction, the department participates in the cost of the relocation and enters into an agreement which outlines the work and amount of participation. A permit is not required for work on the Department's right-of-way, which is covered in a utility agreement. The approved agreement is considered to constitute a permit for any utility facilities covered by the agreement and the terms and conditions of Form TC 99-1 are considered to be incorporated therein by reference. A permit number must be obtained from the permit office and assigned to the agreement. Utility agreements are processed and released through the office of the District Utility agent.

The Department pays to relocate utilities from private owned right-ofway, when required, to accommodate the construction of a proposed highway project. The Department will not pay for any relocation or adjustment of facilities solely for the convenience of a contractor.

PUBLIC RIGHT-OF-WAY - Utilities located on publicly owned right-of-way by franchise sufferance or permit will be adjusted, removed, or relocated at the owner's expense when the relocation, adjustment or removal is required to accommodate the construction of a proposed highway project. An exception is on federal aid highway projects. In that case, the Department is obligated to bear the expense of relocating all facilities owned by a municipality or a municipally owned utility, or a water district established pursuant to Chapter 74 or a sanitation district established pursuant to Chapter 220 of the Kentucky Revised Statutes.

INVOLVING BRIDGES - For existing and proposed bridges the cost of additional supports or attachments for utility facilities will be borne entirely by the utility company except when the utility is being relocated at the Department's expense to accommodate a highway construction project. In that case, the cost of additional supports or attachments will be borne in accordance with the terms in the utility agreement. Utility supports and attachment hardware items must be furnished by the utility company, unless otherwise provided.

INVOLVING BRIDGES (Cont.) . . . p. 2

UTILITY

RELOCATION (Cont.):

INVOLVING BRIDGES (Cont.) -

Utility Accommodation & Estimating Costs - When the estimated cost of designing and constructing a bridge to accommodate a utility is considerably more than the cost of designing and constructing the same bridge without the accommodation for the utility, then the Division of Bridges will provide the Division of Right-of-Way and Utilities with the estimated additional cost information. This information will be incorporated into the utility agreement for reimbursement purposes, when required. If a utility agreement is not involved, this estimated amount is furnished directly to the Division of Accounts with a request that the utility be billed accordingly.

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	11-202-3
	Section
	CONDITIONS AND REQUIREMENTS
PERMITS	Subject
	Highway and Street Lighting

Summary:

This subject describes the safety and design requirements of highway and street lighting.

SAFETY AND DESIGN:

**RECOMMENDATIONS TO FOLLOW** - Roadway lighting systems must be designed to provide a level of illumination and uniformity of illumination as recommended by the American Association of State Highway and Transportation Officials in their publication "An Informational Guide for Roadway Lighting", latest edition.

SPECIFIC GUIDELINES - Every consideration must be made to minimize roadside hazards produced by poles, wiring, and other associated hardware. In view of equipment limitations and various topographical features, the following guidelines must be followed in all such installations:

Facilities with the 85 Percentile Speeds over 45 MPH - Typical lighting installation on roadway facilities will consist of metal poles with frangible bases and underground breakaway wiring when these poles lie within the "clear zone" as defined by the AASHTO Roadside Design Guide, latest edition. The clear zone distances may be modified for such items as horizontal curvature and non-recoverable slopes. Roadway crossings on facilities of this type should also be underground. Additionally, the breakaway supports and stub height must meet the requirements as outlined in the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals, latest edition. All lighting standards placed behind guardrail must be a minimum of five feet from face of guardrail to face of pole.

Other Facilities - Wood poles with overhead wiring may be used on roadway facilities under certain conditions. These include:

- 1. The poles do not lie within the "clear zone" as mentioned above
- 2. The poles are located behind a roadside barrier such as guardrail or barrier wall.

Other Facilities (Cont.) . . . p. 2

SAFETY AND DESIGN (Cont.):

#### Other Facilities (Cont.)

3. The overhead wires do not break the plane of the roadside barrier on the roadway side such as along a curve. All overhead roadway crossings must meet the "Overhead Utility Encroachment Diagram", TC 99-12, as found in the Kentucky Transportation Cabinet Permits Guidance Manual.

PLACE POLES IN PROTECTED POSITIONS - Regardless of the type of facility that exists, each pole should be located to minimize hazards. Poles should be placed behind existing guardrails (as referenced above) or extensions thereto, atop backslopes, in positions invulnerable to traffic, or placed as far from the roadway as feasible. Optimum lighting distribution may be sacrificed, if necessary, to place poles in protected positions.

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Section
CONDITIONS AND REQUIREMENTS
Subject
Indemnity

Summary:

This subject details indemnity amounts for various items.

INDEMNITY:

AMOUNTS - The following lists indemnity amounts for various items:

- A. Excavation for Underground Utilities \$2.00 per linear foot.
- B. Aerial Utilities \$50.00 per pole.
- C. Aerial Utilities \$25.00 per anchor.
- D. Open Cutting of Roadway \$100.00 per linear foot.
- E. Roadway Boring Crossings \$50.00 per linear foot.
- F. Utilities on Bridges \$1,000.00 minimum. (Indemnity must cover actual costs if the installation estimate is more than \$1,000.00).

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Section CONDITIONS AND REQUIREMENTS Subject

**PERMITS** 

Frontage Rights

Summary:

This subject discusses frontage rights requirements relating to utility permit applications.

**FRONTAGE RIGHTS:** 

PRIVATE PROPERTY OWNERS - If an application is made to install a privately owned encroachment on the state's right-of-way extending in front of the property of others, the signature of these owners stating their approval, or a copy of the recorded easement, must be on the application before a permit can be issued.

MUNICIPAL OR PUBLIC UTILITY - The preceding requirements are waived when the applicant is a municipal or public utility company installing facilities to serve the public. When a municipal or public utility company applies for permits to install private facilities not intended to serve the community, they are subject to property frontage rights. When an applicant seeks a permit to install or extend a utility that is or will be owned and maintained for public use by a utility company, an authorized representative of the utility company must sign the application. At the discretion of the Chief District Engineer, signatures of both the applicant and the utility company representative may be required. Permits issued in accordance with the preceding will not require the signatures nor consent of the property owners in front of whose properties the utility is placed.

**EXCEPTIONS** - Exceptions to the frontage rights policy will be considered on a case by case basis only when roadway right-of-way is owned in fee simple. Approval of exceptions to the policy must come from the Central Office Permits Branch.



Section

CONDITIONS AND REQUIREMENTS

#### **PERMITS**

Subject

Restoring the Right-of-Way

Summary:

This subject discusses the requirements that must be met when restoring the right-of-way after a utility installation.

RESTORING THE RIGHT-OF-WAY:

COMPLETION DATES - When a permit is issued, a completion date must be set at a time of the year that allows the applicant a "growing season" to establish acceptable turf in all disturbed right-of-way areas. Also, you must consider the availability of seasonal materials, such as bituminous surfacing material which is not normally available between December and April. Regardless, the completion date should allow ample time to complete the restoration work in full without time extensions. Time extensions should be used sparingly and only when circumstances beyond the control of the permittee have made it necessary for a time extension request.

AESTHETIC VALUES - should be strongly emphasized. An applicant will not be permitted to carry out utility work which would be detrimental to roadside beauty. Consideration should be given to the salvage and reuse of desirable natural growth. Landscaping approved by the Department of Highways, may be required.

INSPECTION REQUIREMENTS - (Official Encroachment Inspection Notice, Form TC 99-11) - Immediately after the completion of the construction, the District Permit Engineer will inspect the completed facility. The DPE will determine if it was constructed in accordance with the requirements of the approved permit, and that all portions of the right-of-way have been satisfactorily restored. The DPE will continue to frequently inspect the facility to ensure that an unnecessary hazard to highway traffic has not been created and the effectiveness of the existing highway facility has not been unduly affected by the construction.

Restoring Highway Features - Any highway feature that is removed, adjusted, or altered in connection with the permitted work, must be replaced by the permittee after completion of the construction. Any materials of value must be hauled and neatly stacked at a place designated by the Chief District Engineer or his representative.

SODDING, SEEDING, AND MULCHING . . . p. 2

RESTORING THE RIGHT-OF-WAY (Cont.):

SODDING, SEEDING, AND MULCHING - In areas where turf is present, restoration will consist of mechanical tamping, dressing, reseeding, and mulching all affected areas of the right-of-way. All slopes and other portions of the non-surfaced highway buffer area, except rock cuts, must be restored by sodding, seeding, or mulching. The sod method is preferred, however, if the applicant can show that sod is not reasonably available, then seeding and mulching will be allowed. Generally, the procedures outlined in the Department's Standard Specifications will apply. In all cases, a good turf must be guaranteed by the permittee. Permits and bonds will not be released until this condition is met.

**PAVING** - Pavement specifications must be included on all utility permit plans, when applicable, to guarantee that a satisfactory and permanent pavement is obtained within the State right-of-way. These specifications must specify pavement and base thickness, prime coat and/or tack coat specifications, and ambient temperature restrictions. This will ensure a smooth and uniform, true to grade, high quality pavement. New pavement must meet these specifications to be acceptable.

SIDEWALKS - All sidewalks, where required, must be Portland cement concrete and be constructed in conformance with Department of Highways Standard Specifications for Road and Bridge Construction, latest edition. Bituminous walkways, gravel paths, etc., are not substitutes for cement concrete sidewalks in urban areas. They may be considered in rural areas at the discretion of the district.

Specifications - Sidewalks are normally five feet wide, unless space limitations necessitate less width. They should be more than four inches thick. Portland cement concrete sidewalks can be required to extend across bituminous entrances, in order to provide the pedestrian a defined walkway. In this case, the Portland cement concrete sidewalk must not be less than 6 inches thick, where subjected to vehicular traffic.

### Chapter UTILITIES **PERMITS** Subject Safety

Summary:

This subject details safety precautions and requirements that must be considered when installing and maintaining permitted utility facilities

#### GENERAL SAFETY **REOUIREMENTS:**

D.O.H. PERSONNEL RESPONSIBILITY - Department of Highways supervisory personnel must ensure that employees under their supervision use safety vests, hard hats, and safety equipment as described in the Department of Highways "Safety and Health Manual." The Department must comply with the Kentucky Occupational Safety and Health Act which requires that safe work conditions be established and enforced.

#### MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

(MUTCD) - Traffic controls for construction and maintenance operations by permittees must conform with the Manual on Uniform Traffic Control Devices. All construction and maintenance operations must be planned with full regard to safety to keep traffic interference to an absolute minimum. On heavily traveled highways, construction operations interfering with traffic is not allowed during periods of peak traffic flow. This type of work should be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

CLEAR ZONE MINIMUM REQUIREMENTS - The Department of Highways and Federal Highway Administration's design criteria provide for safer roadways. One requirement for a safer roadway is to provide for a roadside clear zone where practical. This is an area at least 30 feet from the edge of through-travelway, that is free of obstacles that might result in an accident to an out-of-control vehicle. Generally, this criteria will apply to any project with a design speed of 50 mph or greater. See AASHTO's "Guide for Selecting, Locating, and Designing Traffic Barriers" for additional guidance on roadside clearances.

Above Ground Utilities - Where slopes are 4:1 or flatter, above ground utility obstructions cannot remain or be relocated within the roadside clear zone. Exceptions may be made only where the utility facility is incidentally shielded by an adequate guardrail or other protection designed to insure the safety of motorist against some other hazard

NOTIFICATION BEFORE EXCAVATION . . . p. 2

GENERAL SAFETY REQUIREMENTS (Cont.):

NOTIFICATION BEFORE EXCAVATION - Occupational Safety and Health Act Requirements - Kentucky Occupational Safety and Health Standards for the construction industry which has the effect of law states in part: (Page 52, 1926.651 Specific Excavation Requirements) "Prior to opening an excavation, effort shall be made to determine whether underground installations, (i.e., sewer, telephone, water, fuel, electrical lines, etc.), will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined, and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation." The applicant's plans must show all utilities above and below the ground line.

"BUD" Number - The District will stamp each approved permit authorizing excavation within the right-of-way with the "BUD" toll free number provided to them. This will allow the permittee to consult with the agency regarding underground utilities before work begins.

BLASTING - on or near Highway Right-of-Way - Kentucky law requires the persons who use explosives be licensed by the Department of Mines and Minerals. The law also sets out safety precautions that must be followed in blasting operations. Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures must not be carried out until the operations and/or owners have been notified and safe control measures have been taken.

FULLY CONTROLLED ACCESS ROADWAYS - On fully controlled access projects, the permit application or the letter from the applicant must specify that no vehicle or machinery parking will be allowed inside the controlled access fence. All work must be done from outside the fence area. This will frequently require the placement of temporary fences.

SPECIAL SAFETY REQUIREMENTS:

PROTECTIVE BARRIERS - to be provided by the Permittee - The district office will provide each company operating an electrically energized utility in the district a copy of the safety criteria relative to insulating barriers. Safety considerations relative to energized electrical distribution and transmission lines are as follows:

A. Voltages Under 40,000 . . . p. 3

# SPECIAL SAFETY REQUIREMENTS (Cont.):

#### PROTECTIVE BARRIERS - to be provided by the Permittee (Cont) -

- A. Voltages of 40,000 and Under When it is necessary for the Department to perform maintenance work adjacent to any energized utility facility carrying a load of up to 40,000 volts within the right-of-way of any roadway at distances less than the minimum clearance required by the National Electrician Safety Code, it is the responsibility of the owner(s) or authorities of the facility to provide insulating barriers. These barriers will be provided at the facility owner's expense. The insulating barriers must be good quality and thick enough to prevent injury or death to Department personnel if the insulated lines come in contact with maintenance equipment.
- B. Voltages Over 40,000 When it is necessary for the Department to perform maintenance work adjacent to any energized utility facility carrying a load in excess of 40,000 volts within the right-of-way of any roadway at distances less than the minimum clearance required by the National Electrician Safety Code, a representative of the Department must meet with a representative of the electrical facility to determine a solution. If necessary, the utility company may be required to raise the electrical lines to a safe height so work can be done. In other instances, the company may be required to deenergize or relocate their facility to provide safe working conditions for Department personnel and equipment. Reference is made to the safety rules for installation and maintenance of electric supply and communication lines, current issue. American National Standards Institute. (National Electrical Safety Code C2-1973).

**PERMITS** 

Chapter

#### UTILITIES

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a permit and the procedures that are followed when processing an application request.

GENERAL INFORMATION:

APPLYING FOR A PERMIT - Any firm, individual, or governmental agency which desires access to a road on the state highway system or wants to perform any type of work or activity upon the right-of-way of a state road, must obtain a permit from the Department of Highways. Applications for encroachment permits must be submitted to the District Office responsible for the county where the work is proposed. Applications must be made in the name of the firm, individual, or governmental agency that will be performing the work. It must be signed by an official representative whose signature is legally binding on the applicant. After final processing and approval, the applicant will be given two copies of the permit and approved plans and attachments.

### PERMIT PROCESSING RESPONSIBILITY:

APPLICATIONS FOR THE PLACEMENT OF UTILITIES ON BRIDGES - must not be approved, except in accordance with the following conditions:

- 1. Prior to completion of plans and specifications by the Department for proposed new bridges, the applicant must submit to the Department, through the District Permit Engineer, complete plans and specifications of the proposed installation, together with weight per linear foot and detail drawings. The applicant is responsible for predetermining the schedule of proposed plans and new construction by the Department. Preliminary scheduling information is normally available to utility companies at the Department's Central Office and District Offices.
- 2. When requesting approval for installation of a utility on an existing bridge, the applicant must submit to the Department, through the District Permit Engineer, complete plans and specifications of the proposed installation, together with all pertinent data regarding weight per linear foot, etc.

DISTRICT PERMIT ENGINEER . . . p. 2

# PERMIT PROCESSING RESPONSIBILITY (Cont.):

**DISTRICT PERMIT ENGINEER** - The District Permit Engineer reviews and processes all utility permit applications. This includes assigning the application a permit number, distributing copies for review by applicable District Personnel and the Central Office Permits Branch, and final processing the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

#### OTHER DISTRICT PERSONNEL -

- A. Transportation Engineer Branch Manager for Operations
  Permit application for "utilities" will be reviewed by the TEBM for
  Operations upon request by the District Permit Engineer. Permit
  applications for utilities placement on bridges in the maintenance
  phase must be reviewed by the District Bridge Maintenance
  Engineer. After reviewing the utility permit application, the District
  Operations Engineer must furnish recommendations and/or
  comments to the District Permit Engineer for further processing
  through Central Office.
- B. Transportation Engineer Branch Manager for Preconstruction Planning and Design must review all permits applied for on projects in the preconstruction phase. The Assistant District Engineer for Design is responsible for furnishing recommendations and/or comments to the District Permit Engineer for further processing. It is essential that permits applied for on these projects be submitted as early as possible so the proposed location may be shown on the Department's plans. Any permit for a completely new facility which is not approved in time to show the proposed location on the Department's plans prior to PS & E date on federal aid projects or prior to the advertisement on nonfederal aid projects, will be held without action until the project is advertised and the highway construction contract has been awarded. At that time, the application will be sent to the Assistant District Engineer for Construction for review.
  - C. TEBM for Construction . . . p. 3

# PERMIT PROCESSING RESPONSIBILITY (Cont.):

#### OTHER DISTRICT PERSONNEL (Cont.) -

- C. Transportation Engineer Branch Manager for Construction
  Processing of permits submitted on active construction projects will
  be the responsibility of the District Permit Engineer after
  recommendations and/or comments from the Assistant District
  Engineer for Construction. Approval of such permits by the
  Department will be discretionary. Approval will normally not be
  given unless the proposed work of the applicant can be coordinated
  with the highway contractors operations in such a way as to cause
  little or no delay to the highway contractor.
- D. Transportation Engineer Branch Manager for Traffic In all cases of proposed street or highway lighting in connection with state-maintained roads and streets, it is the responsibility of the District Branch Manager for Traffic to review the application and furnish recommendations and/or comments to the District Permit Engineer for further processing through the Central Office.
- E. **District Attorney** The District Attorney will file suit on any illegal encroachment case assigned to the District by Central Office Legal Counsel.
- F. District Utility Agent If a utility is being partially relocated from private right-of-way (right-of-way other than Kentucky highway right-of-way) to accommodate highway construction, the department participates in the cost of the relocation and enters into an agreement which outlines the work and amount of participation. A permit is not required for work on the Department's right-of-way, which is covered in a utility agreement. The approved agreement is considered to constitute a permit for any utility facilities covered by the agreement and the terms and conditions of Form TC 99-1 are considered to be incorporated therein by reference. A permit number must be obtained from the permit office and assigned to the agreement. Utility agreements are processed and released through the office of the District Utility Agent. The release must be in writing with a copy sent to the District Permit Engineer.

#### **CENTRAL OFFICE -**

- A. All applications that require central office review must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers.
- B. These applications must be submitted to the Central Office Permits Branch with the District's recommendation.
- C. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.

CENTRAL OFFICE (Cont.) . . . p. 4

# PERMIT PROCESSING RESPONSIBILITY (Cont.):

#### CENTRAL OFFICE (Cont.) -

- D. If the application contains features requiring consideration by any other Central Office areas, the Central Office Permits Branch will ensure that the appropriate people are contacted before proceeding.
- E. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion. An exception to this would be routine utility requests that meet Department accommodation policies as agreed to by the Federal Highway Administration and the Consultant Engineer on Audubon, Cumberland, Daniel Boone, and William Natcher Parkways.
- F. If approval is recommended, one (1) copy of the application will be retained in the Central Office Permits Branch and the remaining copies will be returned to the District Permit Engineer with a concurrence and with additional requirements, if any.
- G. If disapproval is recommended, one (1) copy of the application will be retained in the Central Office Permits Branch and the remaining copies will be returned to the District Office for further action or final disapproval.

### APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Application Form TC 99-1
- C. Related Forms Related forms that must be completed and accompany each utility application form, are listed below in numerical order:
  - 1. TC 99-7 Encroachment Permit Bond or Other Indemnity
  - 2. TC 99-12 Overhead Utility Encroachment Diagram (if applicable)
  - 3. TC 93-13 Restoration of Roadway Open Cut (if applicable)
  - 4. TC 99-18 Documentation by Applicant
  - 5. TC 99-21 Encroachment Permit General Notes and Specifications (to be completed by District Permits Personnel and accompany each permit)
  - 6. TC 99-10 Typical Highway Boring Crossing Detail (if applicable)
  - 7. TC 99-17 Plan and Profile (if applicable)
- D. Applicant's Plans, Profile Sheet, and Documents See Chapter PE-105-3 (Application Documentation).
  - E. D.O.H. Plan and Profile Sheet . . . p. 5

# APPLICATION DOCUMENTATION (Cont.):

#### MUST INCLUDE THE FOLLOWING (Cont.):

- E. **D.O.H.** Plan and Profile Sheet When applicable, D.O.H. plan and profile sheets may be obtained at the District Office for a nominal fee. (Microfilm or blue prints of as-built plans) The Plans should indicate the following:
  - 1. Phase status, i.e.: Design, Construction, or Operations.
  - 2. Proposed work outlined with red marker.
- F. Permit Number for Processing Application Regardless of whether or not the application becomes an approved permit, the District Permit Engineer will assign the application a permit number.

REQUIRED NUMBER OF COPIES FOR UTILITY PERMIT APPLICATION (TC 99-1) - Applications approved at the District Office require four (4) copies. Applications requiring Central Office review need six (6) copies, with three (3) being sent to the Central Office.

#### **PERMIT APPROVAL:**

prove or disapprove all applications for right-of-way encroachment permits. Permits may require Central Office review prior to approval or disapproval by the Chief District Engineer as listed below. Operations and Traffic agreements with cities do not abolish the state's responsibility for, or jurisdiction of, right-of-way behind the curb. Chief District Engineers have the authority to issue permits for encroachments based on the requirements of this manual.

Routine Utility Installations - May be approved by the District Office on partially or fully controlled access highways if they meet the requirements of the Utility Accommodation Policy, as agreed to by the FHWA or the responsible consulting engineer. (Except the Cumberland, Audubon, William Natcher, and Daniel Boone Parkways) So called "hardship cases" must be sent to the Central Office.

PERMITS REQUIRING CENTRAL OFFICE REVIEW - All applications for the following permits are processed in the district up to final signature by the Chief District Engineer, including assignment of application numbers. They are submitted to the central office with the District's recommendation. The permit requests will be sent directly to the Central Office Permits Branch and then forwarded to the Divisions of Construction, Design, or Planning, depending upon the phase of the project. The district should retain a pending copy until recommendations are received from Central Office. If the application requires consideration by other Central Office divisions, such as Bridges, Operations, or others, they must review the application before proceeding further. If disapproval is recommended, one copy will be retained in the Central Office, all other

### PERMIT APPROVAL (Cont.):

#### PERMITS REQUIRING CENTRAL OFFICE REVIEW (Cont.) -

copies will be returned to the district office for further action or final disapproval. The following permit applications require Central Office review:

- A. All encroachment requests on, over, or under the Audubon, Daniel Boone, Cumberland, and William Natcher Parkways. (Except routine utility requests that meet the Department's Utility Accommodation Policy).
- B. Encroachment requests on any fully controlled access highway (except routine utility installations). These must be in agreement with the State Highway Engineer or Consultant Engineer.
- C. Unprecedented requests requiring policy development interpretation.
- D. Utilities on bridges.
- E. Utility encroachment requests on any state maintained facilities that are exceptions or fail to comply with the Utility Accommodation Policy of this manual.
- F. All encroachment requests on any state maintained facilities that are exceptions or fail to comply with the Utility Accommodation Policy of this manual

#### DISTRIBUTION:

See Chapter PE-105-4

# PERMITS UTILITIES Subject Maintenance

**Summary:** 

This subject discusses requirements and general information regarding maintenance of utilities.

MAINTENANCE ON UTILITIES:

GENERAL INFORMATION - Before any major repairs, other than routine maintenance to utilities within the right-of-way on bridges, the applicant must submit plans for repairs to the District Permits Engineer for review and approval. In unusual cases, the District Permits Engineer may send the plans to the Central Office Permits Branch Office for further review and consideration. In case of an emergency, the request may be handled by telephone and confirmed in writing at a later date. These applications should be headed "Emergency" Utility Permit. All maintenance operations must be planned with full regard to safety to keep traffic interference to an absolute minimum. On heavily traveled highways, maintenance operations interfering with traffic will not be allowed during peak traffic flow periods. Work should be planned so that there is minimal traffic interference.

TRAFFIC CONTROL AND SAFETY RULES - Traffic control for maintenance operations must conform with MUTCD. Safety rules for installation and maintenance of electrical supply and communications lines, current issue, American National Standards Institute must be adhered to (National Electrical Safety Code C2-1973).

UNENCASED UTILITY ROADWAY CROSSINGS - If there is a failure in a line not encased, the utility company may be required to abandon the existing line and install a new crossing by boring, auguring, tunneling, or pushing.

UTILITIES ON BRIDGES:

ANNUAL INSPECTION - The permittee must annually inspect all utilities placed on the structure to determine any failures or needed maintenance. A report of the findings must be submitted in duplicate to the District Bridge Engineer. The District Bridge Engineer will retain one copy for his records and forward the other copy to the Central Office Permits Branch. The utility company must send the report to the District Bridge Engineer by March 1. This will enable the Central Office Permits Branch to complete and submit form TC 99-15 to the Bridge Section of the

### UTILITIES ON BRIDGES (Cont.):

#### ANNUAL INSPECTION (Cont.) -

Division of Operations by March 15. The Bridge Engineer should personally inspect the utility every two years, when performing the required bridge inspection.

IMMEDIATE REPAIRS - Repairs of gas or water leaks, electrical transmission deficiencies, or any problem that the District Bridge Engineer thinks needs immediate attention, must be requested of the utility owner by legal notice (with a copy sent to the Central Office Permits Branch) within 30 days. If the utility company fails to act within the specified time allowed, the Bridge Engineer will request that the District Office Legal Counsel advise the company by letter (with a copy sent to the Central Office Permits Branch) that if necessary repairs are not made immediately, the Department will revoke the permit, the utility removed, and the expense charged to the permittee and collected, as provided by KRS 177.106.

FOLLOW-UP - The District Bridge Engineer must provide copies of reports (to the District Permit Engineer) showing utilities needing repair, replacement, painting, etc. It is the responsibility of the District Permit Engineer to follow-up with the utility owners to see that corrective measures are taken in a timely manner. A memo from the District Permit Engineer to the Central Office Permits Branch confirming necessary maintenance work has been completed or scheduled for completion by the owners, must reach the Central Office by July 1 each year.

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	Section
PERMITS	POLICY
	Subject
	General Policies

Summary:

This section prescribes the policies and conditions relating to permitting of entrances and other correlated roadway modification within the right-of-way limits of roads and streets in the Kentucky State Highway System.

### **DEVELOPMENT PLAN REQUIRED:**

APPLICANT RESPONSIBILITY - The applicant needs to provide a completely detailed plan for development of the property for which an entrance is being requested. If the permit is granted, any deviation from this plan is cause for review and possible cause for major modification or revocation. A permit may be issued for the grading or filling work and an entrance under the criteria of a residential or farm entrance if:

- the applicant is proposing to cut or fill an area adjacent to the roadway facility to develop the property to be sold;
- he does not intend to use the property immediately;
- he does not presently know what use will be made of the property.

APPLICANT IS REQUIRED - to establish and maintain a normal shoulder edge for the entire length of the property frontage (except for the entrance opening) which would accommodate an out-of-control vehicle. The entrance may be upgraded when the applicant provides a detailed acceptable development plan, which entitles the applicant to such a permit.

### MAJOR TRAFFIC GENERATORS:

INDUSTRY, SHOPPING CENTERS, SUBDIVISIONS, APARTMENT DEVELOPMENTS, MOBILE HOME PARKS - A comprehensive appraisal is always necessary to ensure that proper objectives are met as the streets and major entrances accompanying these types of developments become significant traffic generators.

#### **OVERALL PLAN:**

MUST BE SUBMITTED - and carefully evaluated so that basic design features such as location and total number of access points may be initially and definitely established. The entire frontage must be developed in accordance with proper design criteria.

**HOW MANY PERMITS** . . . p. 2

#### **OVERALL PLAN** (Cont.):

HOW MANY PERMITS? - Major developments are preferably handled by one (1) permit which covers all aspects of the entire property and frontage area. However, since developments of this type are frequently constructed in sections over considerable periods of time, it is not always practical to require that only one (1) permit pertain to the entire development. It is possible to consider separate permits for various sections of the frontage, but only under the condition that each section is in conformance with an accompanying acceptable overall plan.

#### PLAN REQUIREMENTS:

OVERALL PLAN - In the case of subdivisions and mobile home parks, the applicant submits an overall plan of the proposed development showing the entire property and indicating the lot layouts. In case of apartment developments or shopping centers, indicate the buildings. Indicate all streets, parking areas, service roads and access points to the highway, including access points to any proposed commercial areas which might be incorporated in the subject development. Show existing streets and major entrances on the opposite side of the highway from the subject development.

**DETAILED PLAN** - The applicant must submit plans of the portion of the frontage area covered by the subject application. It must show, in complete detail, all work to be performed within and adjoining state rightof-way, in accordance with proper design criteria, as described in this chapter.

#### **ACCESS** RESTRICTION:

NOTED ON ROADWAY PLANS AND DEEDS - Restrictions of access are contained on roadway plans and deeds. If there is any doubt concerning access control pertaining to a specific application, a thorough review of the project history is made prior to the approval of any entrance facilities. Access control is defined and limitations of each type are specified in Chapter PE-400 of this manual.

REQUIREMENTS OF THIS MANUAL APPLY - when the proposed work will be done on a state-maintained street in an incorporated city which:

- Does not have its own control standards; or
- Requires adherence to control standards that are less stringent than the requirements of this manual.



The Department will exercise its right to issue permits in accordance with the requirements of this manual even though there may be a maintenance agreement with the city.

### ACCESS RESTRICTION (Cont.):

CHIEF DISTRICT ENGINEER'S DECISION - The Chief District Engineer has the option of designating types of entrance design (other than those referred to in "Entrance and Exit Capacity, Traffic Problems Between Entering and Exiting Traffic" on page 4 of PE-301-1) which prohibits certain turning movements, depending upon the factors involved in the particular situation.

### ENTRANCE AND EXIT CAPACITY:

**CAPACITY DEFICIENCIES** - at entrances to roadside establishments usually will be created by large entrance volumes of traffic or by improper parking facility usage. This usually occurs at establishments that:

- Attract large volumes of traffic for prolonged periods; or
- Where smaller but significant entering traffic volumes are produced within short periods of time.

Typical establishments of this nature are: supermarkets, shopping centers, truck terminals, drive-in theaters, restaurants, etc. The provision of ample entrance capacity is always a critical factor in the development of entrances to drive-in theaters. In these instances, the district will always be guided by the recommendations contained in the AASHTO References.

New Entrance - Whenever capacity deficiencies result from the development of a new entrance, the Chief District Engineer requires that the permit include any appropriate additional features, devices, or controls to prevent the deficiency. In laying out entrances, the applicant must give attention to the presence of existing utility facilities to avoid creating hazardous or inconvenient conditions. Do not locate entrances at existing utility manholes (such as telephone conduit manholes) unless no alternatives exist. Routine maintenance operations by the utility company can severely restrict or eliminate use of the entrance during these periods, unless the manhole is relocated.

Previously Permitted Entrance - If significant capacity deficiencies regularly occur at a previously permitted entrance, and clearly result from the operation of the permitted entrance, the Chief District Engineer will require that necessary modification to the entrance and/or roadway facility be made to eliminate the deficiency at the permittee's expense.

**Prior Construction -** All entrances that were constructed prior to the Department accepting a road into the state-maintained road system from another or agency will be considered as properly permitted entrances for all purposes.

**OVER CAPACITY CONDITIONS** . . . p. 4

#### **ENTRANCE AND**

EXIT CAPACITY (Cont.): OVER CAPACITY CONDITIONS - may be created on the highway or beyond the exit from the roadside facility, as the result of the discharge of large volumes of traffic from the facility, or by smaller volumes of traffic in a disorderly or improper manner. These conditions can be alleviated by measures which reduce and control conflicts that occur on the highway at or beyond the exit from the roadside facility.

#### TRAFFIC PROBLEMS BETWEEN ENTERING AND EXITING

**TRAFFIC** - Ideally, all facilities of a roadside establishment should be so designed to ensure that all conflicts between entering and existing traffic, as well as those between vehicles entering the establishments from different directions, will occur within the roadside establishments rather than on the roadway.

#### **MEDIAN CUTS:**

MAY BE CONSIDERED - on projects other than fully controlled access projects. (See control factors in Exhibit 29) On facilities with depressed median and access by permit, a minimum spacing of 1000 feet between median cuts apply.

#### **UTILITY RELOCATIONS**

#### & MODIFICATIONS:

WHO PAYS? - All utility relocations, adjustments, and modifications necessitated within state right-of-way, by development of private property frontages as authorized by encroachment permits, are at the expense of the permittee. The relocations and modifications include, but are not limited to:

- 1. Relocation of existing above ground utility facilities such as utility poles, guys and anchors, fire hydrants, splice boxes, etc., must be placed so all additional lanes, corner widening, and entrances are completely free of these obstructions. Relocate these above ground obstacles, where practical, not less than six feet from the edge of the traveled way, so a hazard in urban areas is not created. Placement must meet safety criteria (clear zone) as required by this manual.
- 2. Adjustment to the finished grade of all existing manholes, valve boxes, etc., must be done so that these facilities will be flush with all finished surfaces and grades.
- 3. Make modifications to existing overhead facilities such as telephone or electric lines, telephone cable, etc., in the event that overhead clearance is insufficient at proposed entrances.

UTILITY RELOCATIONS AND MODIFICATIONS (Cont.) . . . p. 5

# WHO PAYS? (Cont.) - (Cont.):

4. Modification or relocation of existing underground or above ground facilities necessitated by grading work (either excavation or filling) must be done by the permittee. (OSHA requires that the permittee must contact the utility companies to determine the location of underground facilities before excavating).

The permittee is responsible for all damages to existing facilities within state right-of-way, which may occur during the construction work.

5. Entrances should avoid certain highway drainage facilities such as curb box inlets or curb and gutter highway sections. These existing facilities should not be modified unless there is no other alternative for entrance placement.

#### DRAINAGE FEATURES AND PIPE MATERIAL REQUIREMENTS:

MUST BE CONSIDERED ADEQUATE - Any entrance, whether in a rural or urban area, must not obstruct or restrict the normal water courses involved, unless suitable provisions are made. The Chief District Engineer must be satisfied that the type, size, and installation of the drainage features proposed in the application are adequate for present and foreseeable future requirements, and have a reasonable life span. As to the type of drainage pipe material, see Chapter 4 of the Division of Operations Manual.

#### REQUIREMENTS FOR DRAINAGE:

- 1. Entrances that do not merit an entrance pipe may be constructed using swales of concrete or bituminous material which meet Department standards.
- 2. Where long lengths of pipe are used, catch basins or clean-out boxes must be installed at appropriate intervals of 50 feet, based on pipe diameter of 15". Special consideration may be given to placement of clean-out boxes at longer intervals for pipe with larger diameters. Construct boxes at all angles in pipe alignment.
- 3. When necessary, employ gratings and catch basins to intercept and prevent water flowing from the driveway over the sidewalks or roadway.
- 4. Do not use drainage conduits for accommodation of utilities.

REQUIREMENTS FOR DRAINAGE (Cont.) . . . p. 6

# DRAINAGE FEATURES AND PIPE MATERIAL REQUIREMENTS FOR DRAINAGE (Cont.) REQUIREMENTS (Cont.):

- 5. When a fill will be placed against an existing roadway, construct fill to intersect the outside shoulder edge and slope away from the road on a 6:1 slope to the ditch flow line or a depth of 3'. Special drainage features, as required by the Chief District Engineer, are required of the applicant to adequately drain the road bed and shoulders. This refers to trench drains or toe drains in the existing fill.
- 6. Occasionally, under pavement drainage is provided by sand, crushed stone, or other types of drains from the pavement through the shoulder of the road. Requests to join the pavement at these existing drainage points must be accompanied by plans showing the method proposed to extend these drains so that their original purpose will be continued. This provision is applicable to all entrances.
- 7. Any proposal to alter or significantly increase a drainage area, runoff factors, or change in any way drainage structure, must be accompanied by a complete drainage survey (upstream and downstream) based on a 25-year and 100-year storm with hydraulic analysis of all affected drainage structures in the area.

#### **FRONTAGE RIGHTS:**

**EXCEPTIONS** - Exceptions to the frontage rights policy will be considered on a case by case basis only when roadway right-of-way is owned in fee simple. Approval of exceptions to policy must come from the Central Office Permits Branch.



PERMITS	Section
	POLICY
	Subject
	Specific Policies

Summary:

This section prescribes specific policies relating to permitting of entrances and other correlated roadway modification within the right-of-way limits of roads and streets in the Kentucky State Highway System. This section includes paving specifications for each type entrance.

GENERAL INFORMATION:

**EXCEPTIONS** - to paving specifications may be allowed if recommended by the Chief District Engineer and approved by the Central Office Permits Branch

PRIVATE ENTRANCES:

REQUIREMENTS - The Department is authorized to construct, at its expense, permitted residential or farm entrances, provided the required drainage pipes or structures are furnished at the expense of the property owner. This will ensure that the original construction will meet the standards of the Department, and that the proper drainage in the ditch will not be impaired. To secure the required finished grade, the Department is authorized to provide initial surfacing of such entrances on the state's right-of-way with stone or gravel. The maximum allowable expenditure for the construction of private entrances by state forces is estimated at \$800.00. When a slotted drain is required and supplied by the permittee, the Department is authorized to install the pipe and provide initial surfacing within the right-of-way with bituminous surface materials to the extent necessary to provide a stable area adjacent to the slotted drain. Any cost over \$800.00 must have the Chief District Engineer's approval. Department participation can never exceed \$1,200.00.

EXCESSIVE COSTS - In cases where excessive costs are involved and/or unusual, complicated circumstances involving drainage, guardrail, etc., exist, construct entrances at the expense of and by the applicant. The Chief District Engineer may require an indemnity. This indemnity, if required, must comply with the general and specific indemnity requirements of this manual.

If the applicant is required to construct the entrance, the Department may provide initial surfacing of the completed entrance to the right-of-way line with stone or gravel.

SIGNAL/EQUIPMENT COST . . . p. 2

SIGNAL / EQUIPMENT COST & RELATED FACTORS:

PRIVATE DEVELOPMENTS - When private developments generate enough traffic that warrants a signal operation, or when private developments must be constructed in a way that will present a hazard if their traffic movements are not controlled by an existing signal installation, the Department of Highways may require that signals or signal components be installed.

Requirements and Conditions - Such installations will be in accord with established traffic engineering requirements, and all equipment becomes the property of and is maintained by the Department. These needs will generally be included as conditions of the application for permit to the Central Office Permits Branch, and will always require written approval from the Central Office Permits Branch, in accordance with established signal approval procedures. In all cases where equipment, such as poles, detectors, etc., is installed off the right-of-way, a Consent and Release must be executed.

Cost Participation - The cost of the signal installation(s) will be according to procedures outlined in the Traffic Manual. The permittee will receive a refund, or will be asked to pay any additional cost for such installation within 30 days after receipt of billing. Any modification to the developer's entrance, necessary to accommodate signalization, is the responsibility of the developer at no expense to the Department. This includes any necessary easement(s) as stated in the Traffic Guidance Manual.

Engineering Requirements - When a developer feels signals may be required for the development, he shall furnish to the Department the required engineering study which will enable the Department to determine if the development meets established engineering requirements for signalization.

Title to Signal Equipment - The title to signal equipment installed must be transferred to the Department, and the operation of the signals must be as determined and approved by the Department. Maintenance of signals must be in accordance with the Central Office Permits Branch Guidance Manual.

COMMERCIAL ENTRANCES:

**CONSTRUCTED AT APPLICANTS COST** - These will be constructed at the cost of the applicant, pursuant to plans approved by the Chief District Engineer. The cost of necessary improvements, whether required at the time of approval of the permit or after the facility is in operation, will be borne by the permittee. All commercial entrances must be paved from the edge of pavement past the ditch line using a minimum:

COMMERCIAL ENTRANCES (Cont.) . . . p. 3

### COMMERCIAL ENTRANCES (Cont.):

#### Class A

Base - 4" Dense Graded Aggregate (DGA)
Finished Surface - 8" Portland Cement Concrete

OR

#### Class I Base

Base - 6" Dense Graded Aggregate (DGA) Surface Base - 2½" Bituminous Concrete

#### Class I Surface

Finished Surface - 11/4" Bituminous Concrete

OR

Pavement to be equal to the pavement design of the roadway mainline.

### INDUSTRIAL ENTRANCES:

CONSTRUCTED AT APPLICANTS COST - The cost of industrial entrances must be borne by the applicant, except the cost may be borne by the Department as allowed by the policy on industrial access roads. (See State Highway Engineer's Manual) All industrial entrances must be paved from the edge of pavement to the right-of-way using:

#### Class A

Base - 4" Dense Graded Aggregate (DGA) Finished Surface - 8" Portland Cement Concrete

OR

#### Class I Base

Base - 8" to 11" Dense Graded Aggregate (DGA) Surface Base - 3" to 3½" Bituminous Concrete

#### Class I Surface

Finished Surface - 1" to 2" Bituminous Concrete

OR

Pavement to be equal to the pavement design of the roadway mainline.

#### FRONTAGE ROADS:

REQUIREMENTS - The use of frontage roads on private property can be required during the initial permit request where deemed applicable by the Chief District Engineer, in order to minimize the number of access points to the highway from commercial and residential developments. These frontage roads must be indicated on the applicant's plans. Generally, the frontage roads must be located off state-maintained right-of-way. In cases where there is insufficient space available on the applicant's property to accommodate the frontage roads, it may be placed on or partially on the right-of-way with Central Office approval. It will be a requirement of the

### FRONTAGE ROADS (Cont.):

#### REQUIREMENTS (Cont.) -

permit that the permittee must maintain the frontage road to Department specifications at permittee's expense. (See PE-302-1, pg. 9 for requirements)

#### PROPOSALS FOR ROADWAY GRADE OR ALIGNMENT CHANGES:

INCLUDING RAILROAD CROSSINGS OR SPURS - These proposals or changes require the concurrence of the division having jurisdiction, depending on the phase of the project. Projects under maintenance must have the concurrence of either the Division of Planning or Highway Design, if a geometric review is required.

#### NEW PUBLIC SCHOOL ENTRANCES, EXITS, AND PULLOFFS:

**DEPARTMENT OF HIGHWAYS ASSISTANCE** - The Department of Highways may construct, at its expense, that part of the entrance to new school facilities located on the state-maintained right-of-way. However, in order for the Board of Education to receive this assistance, it is necessary for the Department of Education to work with the Department of Highways in locating the school facilities. (See PE-304, pg. 5, for processing requirements)

### MEDIAN CROSSOVERS:

**GUIDELINES** - On facilities with depressed median and access controlled by permit, all new median crossovers must meet a minimum spacing of 1000 feet. Pavement design must be equal to mainline on new crossovers.

### RAISED PAVEMENT MARKERS:

Raised pavement markers shall only be installed on roads that are included in the Pavement Marker System. The Pavement Marker System is listed as an exhibit in the <u>Division of Traffic Guidance Manual</u>. The only exception is that all roads with a continuous left-turn lane (3 or 5 lane typical sections) are automatically eligible for markers. For various reasons, not all of the roads on the system currently have pavement markers in place.

In general, any permit on a road that is on the system and currently has pavement markers should include the replacement of the markers. An encroachment permit on a road that has or, as a result of the permitted work, will have a continuous left-turn lane should always include pavement markers. Permits that include shifting of the through lanes, such as developing a left-turn lane on a two-lane road, should include pavement markers regardless if the road currently has pavement markers.

**PERMITS** 

Section

#### CONDITIONS AND REQUIREMENTS

Subject

Engineering Criteria

**Summary:** 

This section explains the engineering criteria required for various entrances.

PROFILE AND CROSS SECTION:

APPROACH GRADE - The slope of the driveway on the roadside of the ditch should be as flat as feasible, but in no case be greater than ½" per foot chord.

#### **GRADIENT-**

- 1. Un-curbed Sections The gradient of the driveway must conform with the normal shoulder pitch from the edge of the traveled way to the outer shoulder line; and from there, slope downward on a suitable grade to the gutter or low point over the culvert, or in the swale when a culvert is not used. Then continue downward or roll upward depending upon the level of its destination with respect to the shoulder. In some cases, it may be necessary to provide a profile with a roll-over to prevent drainage on adjacent private land.
- 2. Curb Gutter Sections and Sidewalks When curbs are used along the roadway and sidewalks are used or contemplated, the gradient of the driveway must fit the plane of the sidewalk, if practical. If the difference in elevation of the gutter and the sidewalk makes it unpractical, lower the sidewalk to provide a suitable gradient for the driveway and slope the surface of the sidewalk gently away from either side of the driveway.

#### TRAVERSABLE SHOULDERS AND ADJACENT ISLANDS -

 When distance between right-of-way line and traveled way is 20 feet or more - If shoulders are paved or stabilized to permit vehicles to travel or stop in the shoulder area, all raised curbs or islands installed in conjunction with an entrance or exit to a roadside establishment must begin at the right-of-way line, but not extend nearer than 18" to the edge of existing or designated shoulder.

TRAVERSABLE SHOULDERS AND ADJACENT ISLANDS (Cont.) . . . p. 2

### PROFILE AND CROSS SECTION (Cont.):

#### TRAVERSABLE SHOULDERS AND ADJACENT ISLANDS (Cont.)

- 2. When distance between right-of-way line and traveled way is less than 20 feet Use grass islands between the right-of-way line and a point ten feet from the edge of the traveled way. If the islands are small and of no aesthetic value, the island may be surfaced with stone or it may be blacktopped and painted to show the boundaries of the driveway.
- 3. All portions of driveways crossing traversable shoulders must be paved with asphalt or concrete material. The paving must be flush with a transversable shoulder in accordance with Standard Drawing RPM 110 (latest edition). This is not required for field entrances and low usage private driveways where the use of gravel or other traffic-bound materials is allowed.

NON-TRAVERSABLE SHOULDERS - When the shoulder is seeded or sodded and flush with pavement, the driveway must be surfaced in the buffer area. Surfacing must be placed for a distance sufficient to prevent tracking mud, stone, or other debris onto the traveled way. Unless special permission is obtained from the Permits Branch, terminate all curbs at least 10 feet from the edge of pavement.

#### **CURB AT ROADWAY EDGE -**

- 1. Lip curbing or other mountable curb If the roadway is provided with a mountable curb that requires unusually low entrance or exit speeds, the curbing must be removed from across the access opening and provided on the returns of the driveways. This curbing must extend at least around the entrance radii, or to the edge of the shoulder, whichever is the greater distance, and must be joined to the curb of the traveled way. It should be extended to the right-of-way line to outline the driveway or for drainage purposes.
- 2. Non-Mountable Curb This curbing must be removed from across the access opening, but must be provided on the returns of the driveway and joined to the curb of the traveled way.



When sidewalks exist, the curb returns will be dissipated within the driveway apron, as required in Kentucky Department of Highways Concrete Medians and Residential Entrances Standard Drawing RPM 150 (latest edition).

DRIVEWAY WIDTH . . . p. 3

### PROFILE AND CROSS SECTION (Cont.):

**DRIVEWAY WIDTH** - The driveway width must be adequate to properly handle the anticipated volume and type of traffic, and must be within the limits specified in the Control Dimensions. When limited frontage exists, driveway width must be adjusted (reduced) to allow the development of the specified minimum dimensions for Edge Clearance (E), Corner Clearance (C), Radii (R), etc.

FRONTAGES REQUIRING NEW SIDEWALKS - In those locations where sidewalks are required, they can be specified to extend from frontage boundary line to frontage boundary line and are to connect to existing walkways at the boundary lines, if applicable. New sidewalks can be required if:

- 1. Frontages where existing sidewalks or other walkways or paths are proposed to be removed or made unsafe by the construction of additional lanes or other work necessary to meet urban design requirements.
- 2. There is no existing sidewalk, but there is either a significant existing pedestrian use, or a significant anticipated pedestrian use (resulting from the development) as determined by the Chief District Engineer.

SIDEWALK RAMPS FOR THE DISABLED - Where sidewalks are existing and are to be replaced or new sidewalks are to be installed, ramps for the disabled will be required, except when construction of an entrance in accordance with RPM 150 (latest edition) may nullify the need.

### CONTROL DIMENSIONS AND FACTORS:

**GENERAL INFORMATION** - Exhibits 21 through 28 provide examples and illustrations of different types of entrance situations and demonstrates utilization of control dimensions.

Control dimensions are provided as guidelines and are illustrated in the exhibits through the use of the following designations:

С	=	Corner Clearance
D	=	Distance Between Double Driveways
E	=	Edge Clearance
F.B.	=	Frontage Boundary Line
G ·	=	Setback from Right-of-Way
R	=	Driveway-Outside Radius
R.O.W.	=	Right-of-Way
U	=	Driveway-Inside Radius
W	=	Driveway Width
Y	=	Angle of Driveway to Mainline

EDGE CLEARANCE (E) . . . p. 4

#### CONTROL DIMENSIONS

#### AND FACTORS (Cont.): EDGE CLEARANCE (E) -

- 1. General All portions of the driveway must be within the frontage boundary line. Such frontage is produced by extending the frontage boundary lines through the buffer area perpendicular to the centerline of the adjacent highway. For driveways with angles of approximately 90°, the edge clearance should not be less than the radius of curvature (R) for the junctions of the driveway and the pavement or shoulder edge.
- 2. Rural Residential Five feet minimum.
- 3. Rural Commercial Ten feet minimum.
- 4. Urban Residential Five feet minimum.
- 5. Urban Commercial Ten feet minimum.

In case of joint use drives, property line clearance does not apply and all affected property owners must sign the application.

FRONTAGE BOUNDARY LINE (F.B.) - Frontage boundary lines are those points at which property lines join the roadway right-of-way line. The distance between these points determine the number of driveways allowable for property adjacent to the right-of-way.

#### RECOMMENDED SETBACK (G) - RURAL AND URBAN -

- 1. Pump islands or other installations with parking parallel to the right-of-way line, at least ten feet minimum with fifteen feet desirable outside of the right-of-way line.
- 2. Building or other installation with 90° angle parking between it and the right-of-way line; at least 45 feet outside the right-of-way line. With 60° parking, this dimension should be at least 40 feet; with 30° parking, 30 feet.

OUTSIDE RADIUS (R) OF A DRIVEWAY - The outside radius of a driveway should usually be larger than the inside radius (U).

**RIGHT-OF-WAY (R.O.W.)** - The right-of-way line in the exhibits of this manual is designated by R.O.W.

INSIDE RADIUS (U) OF A DRIVEWAY - The inside radius of a driveway should usually be smaller than the outside radius (R).

WIDTH (W) - RURAL AND URBAN . . . p. 5

#### CONTROL DIMENSIONS

#### AND FACTORS (Cont.): WIDTH (W) - RURAL AND URBAN -

- 1. Residential 20 feet recommended or as directed by the Chief District Engineer.
- 2. Commercial 20 feet minimum; 50 feet maximum.
- 3. Farm 12 feet minimum; 50 feet maximum.
- 4. Special conditions to be given for over 50 feet entrances requiring auxiliary lanes. To be approved in the Central Office.
- 5. Entrances for emergency vehicles may be wider than the above limitations but must be approved in the Central Office.
- 6. All single one-way driveways to be 16 feet.

#### ALIGNMENT (ANGLE) OF DRIVEWAY (Y) -

- 1. **Single Driveways** Single driveways serving a roadside establishment must be positioned as nearly as possible at right angles to the roadway.
- 2. Two Driveways Used on One Frontage
  - a. When left turn ingress or egress is not desirable, or is prohibited by regulation or the absence of a median opening on divided multi-lane facilities, the driveways may be positioned at angles approximately 45° to the roadway.
  - b. Driveways serving only right turn entrance and exit The entrances and exits must be positioned at approximately 45°. These driveways are not considered as double driveways, therefore do not necessitate conformance with the required minimum distance between double driveways.

**DRIVEWAY PROFILE** - (Standard Drawing RPM 110 (latest edition), No highway edge curb, cut section.

- 1. From edge of traveled way to outer edge of shoulder-gradient same as shoulder pitch.
- 2. The entrance grade must not begin closer to edge of pavement than width of shoulder and ditch must not exceed 8%.
- 3. Maximum grades for private and commercial entrances 50 feet or greater in length must conform to Standard Drawing No. RPM 110 (latest edition).

NUMBER OF DRIVEWAYS . . . p. 6

#### **CONTROL DIMENSIONS**

#### AND FACTORS (Cont.):

**NUMBER OF DRIVEWAYS** - In order to prevent added or new intersectional traffic problems, the Chief District Engineer may elect to increase corner clearance requirements as necessary, which could affect the number of driveways allowable. Otherwise, the following restrictions will apply:

- 1. **Urban** Only one driveway will be allowed to properties having frontage limitations that would produce unreasonable small driveway widths if two driveways were allowed. A third driveway may be allowed, if the frontage exceeds 300 feet.
- 2. **Rural -** Only one driveway will be allowed to properties having frontage limitations that would produce unreasonably small driveway widths, if two driveways were allowed. A third driveway may be allowed, if the frontage exceeds 600 feet.

### TRAFFIC MITIGATION:

**ACCOMMODATING INCREASED TRAFFIC** - One or more of the following conditions may be required to accommodate increased traffic:

- Establishing or Altering Interior Parking Circulation
- Turn Prohibitions
- Auxiliary Lanes
- Tapers and Increased Radii
- Frontage Roads
- Median Cuts
- Location and Control of Exits
- Offset Opposing Entrances
- Acceleration Lanes and Increased Exit Radii
- Signals

### ESTABLISHING OR ALTERING INTERIOR PARKING CIRCULATION -

- 1. New Entrances An applicant for a commercial entrance must provide a parking plan showing parking facilities within the establishment to insure that traffic desiring to enter the facility will not block the traveled way. One method of preventing this problem consists of arranging parking facilities to prevent vehicles from entering parking spaces near the entrance.
- 2. Existing Entrances Corrective parking alterations for existing entrances normally can be made only with the consent of the owner of the establishment or his agents, since the Department can exercise no control beyond public right-of-way. If consent cannot be obtained, and the entrance was constructed initially by the Department, a frontage road may be constructed (at the

### TRAFFIC MITIGATION (Cont.):

#### 2. Existing Entrances (Cont) -

expense of the Department, if found necessary to protect the traveling public) on the right-of-way (if there is enough space) to correct the deficiency.

If the entrance was constructed by the property owner by permit and he will not correct the deficiency, then the Department will initiate legal action to accomplish the necessary corrective facilities at the property owner's expense.

**TURN PROHIBITIONS** - The creation of turn prohibitions into certain roadside facilities or at certain driveways may be necessary. Normally, these turns will be prohibited by the installation of non-mountable islands or the closure of median openings. When this is not possible, undesirable turns may be prohibited by the installation and enforcement of signs and pavement markings.

#### **AUXILIARY LANES -**

- 1. The construction of an additional lane adjacent to the traveled way to serve as an auxiliary lane may be required. If it can reasonably be expected that the facility will generate sufficient traffic with full development, the applicant will be required to construct auxiliary lane(s). The auxiliary lane(s) must be constructed without expense to the Department of Highways.
- 2. Using documents such as the ITE Trip Generation, current edition, Highway Research Record 211, NCHRP 279, and information provided by the applicant as per Chapter 1 of this manual, the permits engineer will do a traffic estimate. The estimate will determine if a full traffic study is required.
- 3. TRAFFIC STUDY This data will be necessary to determine whether auxiliary lanes are warranted and their design. The following are steps to include in the study:
  - a. Determine design hour volume (DHV) of the turning movements within the intersection for the completion of the full development. The current and projected traffic volumes can either be counted or requested from the Division of Planning.
  - b. These volumes should be used to determine if auxiliary lanes are warranted:
    - On multi-lane divided highways, left-turn storage lanes are required. Right-turn lanes are determined by use of NCHRP 279. (See Exhibit 56)

AUXILIARY LANES (Cont.) . . . p. 8

### TRAFFIC MITIGATION (Cont.):

#### AUXILIARY LANES (Cont.) -

- 2. On two-lane highways, auxiliary lanes will be determined by either the Highway Research Record 211 for left-turn lanes or NCHRP 279 for right-turn lanes.
- 3. At signalized intersections, left-turn storage lanes are required. A capacity analysis using the Highway Capacity Manual must be completed to determine the appropriate number of lanes for the roadway and the development access.

If signalization is considered, warrants must be met as set forth in the Traffic Manual, 72-05.0110. Therefore, additional information may be required. (See PE-301-2, pg. 2 of 4)

c. Auxiliary lanes must be designed using AASHTO's manual "A Policy on Geometric Design of Highways & Streets."

TAPERS AND INCREASED RADII - At some locations, entrance capacity deficiencies may result from restrictions in the alignment, profile or cross-section of the entrance, rather than from interior circulation and parking problems or larger than anticipated entering traffic volumes. In these instances, improved capacity may be gained by the provisions of longer entrance radii or by the addition of a taper connecting the entrance radius and the edge of the traveled way. These improvements will allow the entering vehicles to leave the traveled way at rates of speed more nearly equal to the speed of adjacent "through" vehicles. The design of tapers and radii used for this purpose must conform to the criteria included in the AASHTO policy on geometric design for rural or urban highways and existing department standards. (See Exhibit 42)

#### ACCELERATION LANES AND INCREASED EXIT RADII -

Acceleration lanes beyond exits and large radii at the exits from a roadside facility produce smoother, less turbulent flow as vehicles enter the highway from the facility, but their greatest benefits are normally derived by reducing congestion within the roadside facility. For this reason, these features may not be frequently required by the Department. However, they may be requested by the developers of large roadside facilities who anticipate that they will alleviate potentially serious interior congestion. These features will be permitted at no expense to the Department whenever a properly designed acceleration lane will result. Generally, this design will be suitable only on multi-lane highways.

OVER CAPACITY CONDITIONS . . . p. 9



### OVER CAPACITY CONDITIONS:

FRONTAGE ROADS - If entrance capacity deficiencies result or are likely to result from the existence or development of several closely spaced entrances and exists to one or more adjacent establishments, the construction of a frontage road must be considered (Exhibit 30). Through the use of these roads, several entrances can be connected directly to the frontage road which connects to the through highway only where the frontage road begins and ends or at well spaced intervals along it. Make every effort to initially obtain adequate setbacks of buildings, pump islands, etc., to allow this development.

The use of frontage roads on private property can be required during the initial permit request where deemed applicable by the Chief District Engineer, in order to minimize the number of access points to the highway from commercial and residential developments. Indicate these frontage roads on the applicant's plans.

Generally, the frontage roads should be located off state-maintained right-of-way. However, in cases where there is insufficient space available on the applicant's property to accommodate the frontage roads, it may be placed on, or partially on, the right-of-way with Central Office approval. The permittee will be required to maintain the frontage road to Department specifications at their expense.

Frontage roads are normally to be constructed of sufficient width to permit two-way use. In layout of frontage roads, the design of the intersection of these roads with other streets or with the highway itself is to receive particular consideration, since special traffic problems occur if small turning radii are created at these intersections. In order to minimize these turning movement and traffic interference problems, radii of sufficient length are required to accommodate right-turn movement from the highway into the frontage road or vice-versa, as measured along the inside edge of the highway and service road pavement.

In case future highway widening is anticipated, it is vital to consider that the frontage roads be installed a sufficient distance back from the existing pavement so that they will not be eliminated by this widening.

All lots or other properties, whether residential or commercial, which are served by frontage roads, should be considered to have reasonable access and will not be allowed additional access to the highway.

MEDIAN CUTS . . . p. 10

### OVER CAPACITY CONDITIONS (Cont.):

MEDIAN CUTS - The need for median cuts will be considered upon receipt of an application for an access permit. Before authorizing new median cuts, consideration should be given to aligning access points with existing median cuts through the use of redesigned parking facilities within the development or the construction of frontage roads. When it has been determined that it is impractical to utilize existing median cuts, approval of median cuts should be given, if access is to be granted, so that U-turns will not be necessary.

Frequently, capacity deficiencies at entrances and divided multi-lane highways may result from inadequate design or improperly located median openings. To avoid the creation of capacity deficiencies resulting from these factors, care must be taken to insure that adequate widths, radii, storage, and deceleration lengths, and taper lengths are available at the median openings for all types of vehicles which may be expected to use the entrance. The design must conform to the Green Book, Highway Capacity Manual, and existing Department standards. (Exhibit 29)

Use the following guideline in considering median cuts:

Median modification will be limited to developments that would have warranted a median opening had they been present at the time the road was built.

Where problems have developed over a number of years, as a possible result of the inadequacy of the Department's past permit policies and where these conditions constitute traffic hazards, remedial work should be done by the Department, which would include construction of crossovers, continuous left-turn lanes or other median treatment which would correct the problem.

If at the time of issuance of an access permit the development is not expected to generate sufficient traffic to warrant a median opening within a one year period, the permit should contain the statement that the permittee will be responsible for constructing the median opening to Department specifications when deemed necessary by the Department.

LOCATION AND CONTROL OF EXITS - Over capacity conditions may be due to the improper location of exits for different directions of travel so that crossing conflicts occur on the highway rather than in the parking area of the roadside facility. To avoid this problem, all exits from a roadside facility must be controlled by signs or islands so that all right turns onto the highway from the roadside facility will be made from exits on the right-hand side of the facility with left turns being made from exits on the left-hand side. In many instances, the creation of frontage roads will alleviate this problem.

OFFSET OPPOSING ENTRANCES . . . p. 11

# OVER CAPACITY CONDITIONS (Cont.):

**OFFSET OPPOSING ENTRANCES** - This technique involves the longitudinal separation of entrances on opposite sides of the highway, and it can be implemented as an optimization practice when authorizing entrance permits.

It should be remembered that this technique has only limited application. Consideration should be given only at locations where serious crossing conflict problems may occur and where signals will not be warranted. (See Exhibit 32)

Warrants - This technique can be implemented on all undivided highways where the traffic volumes do not warrant traffic signals at intersection locations. Property frontage must also be sufficient to accommodate minimal 300-foot entrance separation. Development near the entrance location should contain fewer than 45 entrances per mile with highway speeds ranging between 30 and 45 mph. Entrance volume should exceed 1,000 vpd and highway ADT should be less than 10,000. Entrance-to-entrance maneuvers should total at least 150 per day or 30 during peak hours. Accident experience could also warrant the application of this technique.

# SODDING, SEEDING, AND MULCHING:

RESTORATION - In areas where turf is present, restoration will consist of mechanical tamping, dressing, reseeding, and mulching all affected areas of the right-of-way. All slopes and other portions of the non-surfaced highway buffer area, except rock cuts, must be restored by sodding or seeding and mulching. The sod method is preferred; however, if applicant can show that sod is not reasonably available, then seeding and mulching will be allowed. Generally speaking, the procedures outlined in the Department's Standard Specifications will apply. In all cases, a good turf is to be guaranteed by the permittee. Do not release permits and bonds until this condition is met.

**PERMITS** 

Section

### CONDITIONS AND REQUIREMENTS

Subject

Indemnity

Summary:

This section discusses indemnity procedures.

INDEMNITY REQUIRED:

WHEN? - A bond or cash indemnity for all permits except private entrances which do not contain unusual, complicated provisions involving drainage, guardrail, etc., is required. The applicant may establish either a temporary indemnity or perpetual indemnity. Files and bookkeeping on indemnities must conform with Chapter PE-104 of this manual.

INDEMNITY FOR ENTRANCES:

Guidelines for indemnity amounts will generally be as follows:

- A. For **Private Entrances** which contain unusually complicated provisions involving drainage, guardrail, etc., the indemnity must reflect the actual cost for the construction of private entrances with extenuating structural requirements whose costs exceed \$800.00.
- B. Commercial, Private School, Church Entrances generally require a minimum of \$5,000.00 per entrance plus \$9.00 per foot for drainage pipe installed, plus any additional amounts needed to cover the cost of additional appurtenances such as curbing, drainage boxes, valley guttering, etc.
- C. Industrial Entrances will be \$5,000.00 for each entrance, plus any additional amount needed to cover the cost of the completed installation.
- D. Indemnity for relocating or shifting entrances on partially controlled access highways will be for the estimated total cost of the work including roadway modifications necessitated (as determined by the Chief District Engineer) by the entrance relocation (median opening, storage lanes, auxiliary lanes, traffic signals, etc.).
- E. Indemnity for additional access points on partially controlled access projects, see Chapter PE 401-4.

SPECIAL INDEMNITY . . . p. 2

#### SPECIAL INDEMNITY:

QUALIFIED INSPECTORS - A qualified inspector (D.O.H. personnel or other) may be required to oversee the work of the permittee if the permitted work is extensive or complicated, or if the Chief District Engineer feels it is necessary. The expense of the inspector is the responsibility of the permittee. A special cash (certified check) indemnity for the cost may be required by the Chief District Engineer. (See Chapter PE-104)

# RIGHT-OF-WAY RESTORATION:

COMPLETION DATES - When a permit is issued, a completion date is set at a time of year that allows the applicant a "growing season" to establish acceptable turf in all disturbed right-of-way areas. Likewise, the availability of seasonal materials, such as bituminous surfacing material, should be considered. Some materials are not available between December and April. The completion date should allow enough time to complete the restoration work in full without time extensions. Time extensions should be used sparingly and only in instances where circumstances were beyond the control of the permittee. Completion dates will be set on January 1 or July 1 of any given year. Final inspections will be made based on these dates.

**AESTHETIC VALUES** - should be strongly emphasized. An applicant will not be permitted to carry out utility work which would be detrimental to roadside beauty. Consideration should be given to the salvage and reuse of desirable natural growth. Landscaping approved by the Department of Highways, may be required.

INSPECTION REQUIREMENTS - (Official Encroachment Inspection Notice, Form TC 99-11) - Immediatley after the completion of the construction, the District Permit Engineer will inspect the completed facility. The DPE will determine if it was constructed in accordance with the requirements of the approved permit, and that all portions of the right-of-way have been satisfactorily restored. The DPE will continue to frequently inspect the facility to ensure that an unnecessary hazard to highway traffic has not been created and the effectiveness of the existing highway facility has not been unduly affected by the construction.

Restoring Highway Features - Any highway feature that is removed, adjusted, or altered in connection with the permitted work, must be replaced by the permittee after completion of the construction. Any materials of value must be hauled and neatly stacked at a place designated by the Chief District Engineer or his representative.

SODDING, SEEDING, AND MULCHING . . . p. 2

RESTORING THE RIGHT-OF-WAY (Cont.):

SODDING, SEEDING, AND MULCHING - In areas where turf is present, restoration will consist of mechanical tamping, dressing, reseeding, and mulching all affected areas of the right-of-way. All slopes and other portions of the non-surfaced highway buffer area, except rock cuts, must be restored by sodding, seeding, or mulching. The sod method is preferred, however, if the applicant can show that sod is not reasonably available, then seeding and mulching will be allowed. Generally, the procedures outlined in the Department's Standard Specifications will apply. In all cases, a good turf must be guaranteed by the permittee. Permits and bonds will not be released until this condition is met.

PAVING - Pavement specifications must be included on all utility permit plans, when applicable, to guarantee that a satisfactory and permanent pavement is obtained within the State right-of-way. These specifications must specify pavement and base thickness, prime coat and/or tack coat specifications, and ambient temperature restrictions. This will ensure a smooth and uniform, true to grade, high quality pavement. New pavement must meet these specifications to be acceptable.

SIDEWALKS - All sidewalks, where required, must be Portland cement concrete and be constructed in conformance with Department of Highways Standard Specifications for Road and Bridge Construction, latest edition. Bituminous walkways, gravel paths, etc., are not substitutes for cement concrete sidewalks in urban areas. They may be considered in rural areas at the discretion of the district.

Specifications - Sidewalks are normally five feet wide, unless space limitations necessitate less width. They should be more than four inches thick. Portland cement concrete sidewalks can be required to extend across bituminous entrances, in order to provide the pedestrian a defined walkway. In this case, the Portland cement concrete sidewalk must not be less than 6 inches thick, where subjected to vehicular traffic.

	Chapter
PERMITS	ENTRANCES
	Subject
	Safety

Summary:

This section discusses safety considerations relating to entrances.

PARKING RESTRICTIONS:

### **SAFETY CONSIDERATIONS -**

- A. BUFFER AREA OUTSIDE OF ENTRANCES Considered necessary to prevent any type of unauthorized use by vehicles. The routine, non-emergency servicing of vehicles is prohibited.
- B. STORAGE SPACE Each roadside business establishment must provide sufficient parking or storage space off the right-of-way to prevent vehicles from parking on the right-of-way at entrances and backing up traffic on the roadway. Ample off-right-of-way parking or storage space is particularly needed where many vehicles will be entering and leaving the area at the same time.
- C. ENTRANCES TO A CORNER ESTABLISHMENT AT INTERSECTIONS Parking must be restricted on each highway between the intersection and the nearest entrance. If the corner clearance is provided, parking may be allowed in the area of additional corner clearance, if it will not interfere with visibility or endanger pedestrians.
- D. RIGHT-OF-WAY ABUTTING OR ADJACENT TO COMMERCIAL ESTABLISHMENTS Any parking allowed on public right-of-way must be specifically authorized through Operations and Traffic agreements or Air Space (or lease); otherwise, control will be exclusively by the Department.
- E. SHOULDERS ABUTTING OR ADJACENT TO COMMERCIAL ESTABLISHMENTS Parking is prohibited on the shoulder, but signs must be erected by the Department to obtain enforcement.
- F. CURBED SECTIONS Parking is prohibited if the roadway is not specifically designed for it, or if such parking will constitute a hazard to highway operations. Signs must be erected by the Department to obtain enforcement.

SETBACKS OR PHYSICAL BARRIERS . . . p. 2

## SETBACKS OR PHYSICAL BARRIERS:

### **SAFETY CONSIDERATIONS -**

- A. IMPROVEMENTS ON PRIVATE PROPERTY ADJACENT TO THE RIGHT-OF-WAY These must be located so that parking, stopping, and maneuvering of vehicles on the right-of-way will not be necessary in order for the vehicles or patrons to be properly served. Usually, this can be accomplished by the setback control recommendations from the right-of-way line for all buildings, roadside stands, gasoline pumps and other structures and fixed equipment of the roadside establishments.
- B. AREAS OUTSIDE RIGHT-OF-WAY LINE Even though the Department has no specific jurisdiction over the use of areas outside the right-of-way lines, the cooperation of local officials should be utilized to effect overall traffic control by these setbacks, as might be done through zoning regulations. The location of facilities that could affect the use of the highway and buffer areas, such as gas pumps, will be controlled by such regulations. Commercial establishments desiring parking between the building and the right-of-way line will be required to setback sufficiently to prevent parking on the right-of-way or backing into traffic lanes.
- C. SMALL SETBACKS When setbacks are questionably small or cannot be obtained, guide posts, guardrails, raised islands, or other barriers must be installed just inside the right-of-way line to prevent unauthorized use of the right-of-way, control traffic and access. In the past, the Department has required an abundance of these items, but the new policy will be to limit the usage of these tools because they often conflict with safety criteria.

### **Exceptions:**

- Curbs and/or guardrails will be allowed when adjacent areas have same, and their absence would be conspicuous and would serve little purpose.
- When a guardrail is removed for a new entrance, the rail will be extended on a radius from the break points to a distance sufficient to protect out-of-control vehicles from the original danger area.
- Reflector guide posts and low profile curbs will be encouraged.
- Low curbs will be permitted to aid in surface drainage.

SIGHT DISTANCE RESTRICTIONS . . . p. 3

# SIGHT DISTANCE RESTRICTIONS:

#### **SAFETY CONSIDERATIONS -**

- A. FOLIAGE Entrances must not be constructed at locations where dense foliage or vegetation cannot be removed to allow at least six seconds of visibility time. This factor must be considered when inspections of proposed entrance sites are made during the winter months.
  - 1. If foliage is within the highway right-of-way, it must be removed by the Department (or with its approval) to allow the construction and safe operation of the entrance. If the foliage is desirable or necessary from the Department's viewpoint, efforts will be made to locate the entrance at an alternate site where there is less conflict of interest.
  - 2. If foliage lies within the property of the driveway developer, it must be removed by the developer at his expense.
  - 3. If foliage exists on property of adjacent owners, entrances shall not be allowed unless the permit application is accompanied by a written agreement, between the applicant and the adjacent land owner, stating that the offending foliage will be removed at the developer's expense and that adequate sight distance from the entrance will be maintained at all times.
- B. BRIDGES INTERSECTIONS GRADES CURVES Entrances to roadside property must not be located immediately
  adjacent to bridges and intersections or on sharp curves or grades in
  the highway or at any other point on the highway where sight
  distance is limited. Entrances, even for infrequent usage, must not
  be located near the crests of vertical curves where sight distance
  from the entrance is limited, or where vehicles which may be
  stopped on the bridge or highway prior to turning into the entrance
  and cannot see or be seen for a sufficient distance.

When the six-second sight distance is not available, and when it is impossible to relocate an entrance to provide this sight distance, curve widening, grade reduction and widening of the highway to allow separate left or right turn lanes will be required, if this will result in the required sight distance.

C. CUTS AND FILL SLOPES - Entrances should not be constructed at locations where minimum visibility time of six seconds is not available due to the existence of highway cut or fill slopes, except where these restrictions can be removed without detriment to the highway facility or to abutting landowners. Such reconstruction, when appropriate, should be accomplished by the Department, or with its approval, at the entrance owner's expense.

CORNER COMMERCIAL PROPERTIES . . . p. 4

### SIGHT DISTANCE

RESTRICTIONS (Cont.): SAFETY CONSIDERATIONS (Cont.) -

### D. CORNER COMMERCIAL PROPERTIES -

- 1. Corner Sight Obstructions Although control of the use of property beyond the right-of-way is not a function of the Department, the Chief District Engineer discourages any use of corner properties that will limit sight distance for motorists stopped on the minor, or intersection street. Unless otherwise limited by horizontal and vertical alignment along the major road, restrictions imposed by the roadside establishment must not reduce sight distance from the minor road below that shown for the conditions which prevail.
- 2. Corner Clearances Entrances must be located a sufficient distance from the intersection to prevent additional intersectional problems resulting from the operation of the roadside establishments. Entrances are not allowed at any point on the radius of an intersectional turn.

FREE MOVEMENT OF NORMAL TRAFFIC FLOW:

**SAFETY CONSIDERATIONS** - Entrances must be located where they will not interfere with, or create a hazard to, the free movement of normal highway traffic.

### RAMPS AND INTER-SECTIONAL SPEED CHANGE FACILITIES:

### **SAFETY CONSIDERATIONS -**

- A. RAMPS AND TAPERS All entrances and exits serving roadside facilities must be located to prevent any interference with the operation of existing ramps or tapers. Entrances and exits which will serve significant traffic volumes must be located beyond the limits of ramps or tapers.
- B. SPEED CHANGE FACILITIES If frequently used entrances and exits must be located within the limits of an existing speed change facility, the auxiliary lane or taper must be lengthened to meet the Design standards. These modifications will be required at the discretion of the Chief District Engineer. The cost is the responsibility of the property owner and/or lessee of the roadside establishment. Entrances and exits cannot be located within the limited access portion of a ramp or intersectional speed change facility when the access is controlled.

INTERFERENCE WITH TRAFFIC CONTROL DEVICES . . . p. 5

# INTERFERENCE WITH TRAFFIC CONTROL DEVICES:

SAFETY CONSIDERATIONS - Entrances and exits to roadside facilities must be located to avoid interference with the proper placement and functioning of highway signs, signals, lighting, and other official traffic control devices. If necessary, these devices may be relocated by the Department at the expense of the developer, only if the relocation does not reduce the effectiveness of the device.

Secondary or "Calling" Detector - When entrances are developed near intersections in such a manner that significant traffic volumes from the roadside facility enter an actuated intersection approach without crossing the signal detector, the Chief District Engineer may require the installation of a secondary or "calling" detector at the expense of the developer. Normally, this isn't necessary except on approaches where detectors are provided for small traffic volumes or for specific traffic arrivals

# OTHER SAFETY CONSIDERATIONS:

CLEAR ZONE - The Department of Highways and Federal Highway Administration's design criteria provides for safer roadways. One requirement for a safer roadway is to provide for a minimum clear zone where practical. This is an area from the edge of the through-travelway and should be free of all obstacles that might result in an accident to an "out of control" vehicle. See graph for detail of clear zone width(s) in AASHTO's "Roadways Design Guide" (page 3-3).

### MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

(MUTCD) - Traffic controls for construction and maintenance operations by permittees must conform with the "Manual on Uniform Traffic Control Devices." All construction and maintenance operations must be planned with full regard to safety to keep traffic interference to an absolute minimum. On heavily traveled highways, construction operations interfering with traffic will not be allowed during periods of peak traffic flow. Any such work should be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

SIX SECOND RULE - Generally, entrances will be permitted where a minimum visibility time of six seconds in both directions is available. The six second rule is related to whichever is smaller; the 85th percentile or the posted speed limit.

A. Because of various factors that appear to place practical limits on further decreases in passenger car heights and the relatively small increase that further change would mandate in lengths of vertical curves, 3.50 ft. is considered to be the height of the driver's eye while 0.50 ft. is representative of the lowest object height. The Green Book states, "If other vehicles were the only likely hazard to be encountered, the height of vehicle tail lights, 1.5 to 2.0 ft. would be a sufficient object height."

GLARE OF LIGHTING..... p. 6

# OTHER SAFETY CONSIDERATIONS (Cont.):

### GLARE OF LIGHTING FROM ROADSIDE ESTABLISHMENTS -

Care must be exercised to insure that the effectiveness of traffic control devices or the safety of the highway operations is not diminished by lighting and advertising facilities within roadside establishments. Particular attention must be given to the potentially hazardous conditions created by existing or proposed lighting fixtures (within a roadside facility) which produce a serious glare or to cause a blinding effect to approaching highway traffic. Every effort will be made by the Chief District Engineer to secure the cooperation of the applicant in hooding, shielding, or redirecting lighting fixtures which produce or can produce objectionable glare.

# USE OF PAVEMENT AND BUFFER AREA:

**RESTRICTIONS** - The right-of-way cannot be used for servicing vehicles, displays, advertisements, conducting private business, or for storage of equipment, rubbish, and/or snow. Frequent inspection of junkyards, service stations, trucking terminals, and garages must be made by district personnel and "No Parking" signs may be placed to ensure compliance with this requirement.

#### **BLASTING:**

ON OR NEAR HIGHWAY RIGHT-OF-WAY - Kentucky law requires that persons who use explosives be licensed by the Department of Mines and Minerals and it sets out safety precautions to be followed in blasting operations. Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures cannot be carried out until the operators and/or owners have been notified and measures for safe control have been taken.

### **PERMITS**

Chapter

#### **ENTRANCES**

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for an entrance permit and the procedures followed when processing the application.

GENERAL INFORMATION:

APPLYING FOR A PERMIT - Any firm, individual, or governmental agency which desires access to a road on the state highway system or wants to perform any type of work or activity upon the right-of-way of a state road, must obtain a permit from the Department of Highways. Applications for encroachment permits must be submitted to the District Office responsible for the county where the work is proposed. Applications must be made in the name of the firm, individual, or governmental agency that will be performing the work. It must be signed by an official representative whose signature is legally binding on the applicant. After final processing and approval, the applicant will be given two (2) copies of the permit and approved plans and attachments.

Joint Entrances - Applications for joint entrances must be co-signed by all affected property owners.

# PERMIT PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all entrance permit applications. This includes assigning the application a permit number, distributing copies for review by applicable District Personnel and the Central Office Permits Branch, and final processing the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

CENTRAL OFFICE PERMITS BRANCH . . . p. 2

# PERMIT PROCESSING RESPONSIBILITY (Cont.):

#### CENTRAL OFFICE PERMITS BRANCH -

- A. All applications that require central office review must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers, then submitted to the Division of Traffic with the District's recommendation
- B. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.
- C. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion.
- D. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any.
- E. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.

#### OTHER DISTRICT PERSONNEL -

- A. Transportation Engineer Branch Manager for Operations Permit applications for "Private Entrances" must be received and
  processed by the District Operations Engineer in the county(ies)
  within their jurisdiction. A permit number is required and must be
  obtained from the permit office and entered on the permit
  application in the space provided. A copy of the permit must be
  provided to the Permit Engineer for his/her records. He/she is also
  responsible for removing illegal entrances and improperly
  constructed encroachments in accordance with requirements stated
  in this manual, as requested by the Chief District Engineer.
- B. Transportation Engineer Branch Manager for Preconstruction Applications for access permits within a project in the preconstruction or design phase must be reviewed by Planning or Design. The Transportation Engineer Branch Manager for Preconstruction is responsible for furnishing recommendations and/or comments to the District Permit Engineer for further processing. It is essential that permits applied for on these projects be submitted as early as possible so the proposed location may be shown on the Department's plans. Any permit for a completely new facility which is not approved in time to show the proposed location on the Department's plans prior to PS & E date on federal aid projects or prior to the advertisement on nonfederal aid projects, will be held without action until the project is advertised and the highway construction contract has been awarded. At that

## PERMIT PROCESSING RESPONSIBILITY

### OTHER DISTRICT PERSONNEL (Cont.) -

(Cont.):

B. Transportation Engineer Branch Manager for Preconstruction time, the application will be sent to the T.E.B.M. for Preconstruction for review.

- C. Transportation Engineer Branch Manager for Construction -Processing of permits submitted on active construction projects will be the responsibility of the District Permit Engineer after recommendations and/or comments from the Transportation Engineer Branch Manager for Construction. Approval will normally not be given unless the proposed work of the applicant can be coordinated with the highway contractors operations in such a way as to cause little or no delay to the highway contractor.
- D. Transportation Engineer Branch Manager for Traffic In all cases of any proposed signals and auxiliary lanes in connection with state-maintained roads and streets, it is the responsibility of the Transportation Engineer Branch Manager for Traffic to review the application and furnish recommendations and/or comments to the District Permit Engineer for further processing through the Central Office.
- E. District Attorney The District Attorney will file suit on any illegal entrance encroachment case assigned to the District by Central Office Legal Counsel.

CITY OR COUNTY GOVERNMENTS - Encroachment permits on state-maintained roads, within the corporate limits of a municipality or county, may be issued by that city or county, if they have provided the state a copy of their policy and procedure that is equal to or more stringent than the Department's. These agencies must be notified in writing that they are authorized to issue permits on behalf of the Department.

### APPLICATION **DOCUMENTATION:**

MUST INCLUDE THE FOLLOWING - (Exception: Private Entrances) - Must be in accordance with Chapter PE-105-3 with the following exception: Private entrances which do not contain unusual, complicated provisions involving drainage or guardrail. For the exception listed above, three (3) copies of the permit application are required with distribution as follows:

- 1. One (1) copy to the permittee.
- 2. One (1) copy to County Foreman where entrance will be constructed. (On projects in the design or construction phase, this copy will go to the respective Transportation Engineer Branch Manager for Construction or Design instead).
- 3. One (1) copy for Permit Office files. EMERGENCY PERMITS . . . p. 4

# APPLICATION DOCUMENTATION (Cont.):

EMERGENCY PERMITS - If the work to be performed is an emergency and requires only minor disturbance to the right-of-way, the district will accept the applicant's most conveniently prepared plans which reveal a clear and accurate description of work to be done. They must comply with the Department's standards and specifications. These applications should be headed "EMERGENCY" permit. If the need is vital, telephone or verbal approval may be given with documentation and processing to follow within a reasonable time period. The number of copies required are the same for other permits.

REQUIRED NUMBER OF COPIES FOR ENTRANCE PERMIT APPLICATION - Applications approved at the District Office require four (4) copies. Applications requiring Central Office review need six (6) copies, with three (3) being sent to the Central Office.

#### PERMIT APPROVAL:

DISTRICT OFFICE - The Chief District Engineer has the authority to approve or disapprove all applications for right-of-way encroachment permits. Permits may require Central Office review prior to approval or disapproval by the Chief District Engineer as listed below. Operations and Traffic agreements with cities do not abolish the state's responsibility for, or jurisdiction of, right-of-way behind the curb. Chief District Engineers have the authority to issue permits for encroachments based on the requirements of this manual.

PERMITS REQUIRING CENTRAL OFFICE REVIEW - All applications for the following specific permit requests are processed in the district up to final signature by the Chief District Engineer, including assignment of application numbers. They are submitted to the Central Office Permits Branch with the District's recommendation. The permit requests will then be forwarded to the Divisions of Traffic, Construction, Design, or Planning, depending upon the phase of the project. Design or Planning will review and process all permits submitted prior to advertisement for bids. After planning and design phase, Construction will process all permits until final acceptance by the Department of the completed construction project. The Central Office Permits Branch will handle all permit requests after the Department has accepted the facility for maintenance. The district should retain a pending copy until recommendations are received from Central Office. If the application requires consideration by other Central Office divisions, such as Bridges, Operations, or others, they must review the application before proceeding further. If disapproval is recommended, the request will be returned to the District Office for further action or final disapproval. The Central Office Permits Branch will retain a copy for their files.

SPECIFIC PERMIT REQUESTS . . . p. 5

# SPECIFIC PERMIT REQUESTS:

TRAFFIC SIGNALS, REGARDLESS OF PROJECT PHASE - When it is determined an entrance permit request may warrant traffic signals, the Chief District Engineer may request a central office representative of the Division of Traffic meet with the District Traffic Engineer, the applicant, the applicant's engineer, and the Permit Engineer prior to submitting the request for approval. The date of the meeting and the names of those attending should be in the letter of transmittal.



Permits involving traffic signals must be processed in strict conformance with item 2 on the back of form TC 99-1 (Encroachment Permit Application).

UNPRECEDENTED REQUESTS REQUIRING POLICY
DEVELOPMENT OR INTERPRETATION - All such requests must be submitted in accordance with instructions from the Central Office Permits Branch after telephone consultation by the District Office.

TOLL ROADS - All encroachment requests on, over, or under the Audubon Parkway, Cumberland Parkway, Green River Parkway, and Daniel Boone Parkway must be in concurrence with the general consultant.

PROPOSALS FOR ACTUAL ROADWAY GRADE OR ALIGNMENT CHANGES INCLUDING RAILROAD CROSSINGS OR SPURS - These proposals or changes require the concurrence of the division having jurisdiction, depending on the project phase. Projects under maintenance must have the concurrence of either the Division of Planning or the Division of Design, if a geometric review is required.

### NEW PUBLIC SCHOOL ENTRANCES (also, see PE-301-2, pg. 4) -

- 1. Purpose 702 KAR 4:050 states that prior to new school site selection, assurances of adequate access to public roads or streets to accommodate anticipated school traffic must be obtained. In order for the Transportation Cabinet to provide those assurances it is necessary for representatives of the Central Office Permits Branch and the appropriate highway district office accompany Department of Education personnel on the inspection of all potential sites which involve state maintained facilities. The Central Office Permits Branch will then obtain a review by the Division of Planning to determine any impact on planned roadway projects. The Transportation Cabinet will provide the Department of Education comments and approval or disapproval of each site.
- 2. Approval If the Department of Education selects a Transportation Cabinet approved site and requests funding by the Transportation Cabinet through the Chief District Engineer, the Transportation Cabinet will consider construction or funding the construction of necessary roadway improvements (i.e., turn lanes,

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# SPECIFIC PERMIT REQUESTS (Cont.):

### NEW PUBLIC SCHOOL ENTRANCES (Cont.) -

### 2. Approval (Cont.) -

drainage modifications, decel lanes) and the portion of entrance located on the state right-of-way. As a general rule, the Transportation Cabinet will participate in only one entrance to a site, especially if turn lanes are required. The Transportation Cabinet will not participate in additional right-of-way acquisition. utility relocation, horizontal or vertical realignment of the facility. or excessive excavation or embankment or design engineering of the roadway improvements. The Transportation Cabinet will provide the Department of Education with guidelines and technical assistance to aid in the design of the improvements. Should excessive waste or borrow be encountered by the school site preparation, and the disposal or acquisition of this material will be compatible with the roadway improvements, this must be done at little or no expense to the Transportation Cabinet. At an early stage of the site development, the entrance location and roadway improvements should be established and coordinated between the Transportation Cabinet and the Department of Education. The plans and an estimate of the improvements on the right-of-way should be submitted to the Chief District Engineer who will forward them, along with a recommendation, to the Central Office Permits Branch. After review and approval of the plans and estimate, the Central Office Permits Branch will generate an agreement between the Transportation Cabinet and the local school board and request project authorization through the State Highway Engineer's Office.

3. **REIMBURSEMENT** - In order to obtain reimbursement from the Transportation Cabinet, the school board must submit to the Chief District Engineer documented invoices for materials, equipment, and labor used in the project, along with three (3) completed copies of form TC 31-3 (Statement of Charges). The Chief District Engineer will review the submittals, inspect the project, and verify that the project was constructed in accordance with the approved plans and specifications. The Chief District Engineer will then submit copies of the invoices, along with completed forms TC 31-1 (Statement of Charges) and TC 73-19 (Transportation Cabinet Purchase Order), to the Division of Accounts.

NEW INDUSTRIAL PLANT ACCESS ROADS - See policy in State Highway Engineer's Manual for procedures that may allow the Department to participate in the construction or improvement of access roads to new industrial plants. The Chief District Engineer must contact the Central Office to determine if the Department may bear the expense of construction or improvement.

FRONTAGE ROADS... . . . p. 7

# SPECIFIC PERMIT REQUESTS (Cont.):

FRONTAGE ROADS ON DEPARTMENT'S RIGHT-OF-WAY - The Chief District Engineer must submit requests for placement of frontage roads on, or partially on, the right-of-way to the Central Office (Division of Design or Division of Construction, depending on the project phase) through the Central Office Permits Branch for review.

**AUXILIARY LANES AND SIGNALS** - Entrances to developments of significant size where auxiliary lanes, signals, etc. should be considered, no matter how the roadway is classified.

### ROADS SUPERVISED BY CONSULTANT ENGINEERS:

**PERMIT APPROVAL** - The following processing procedures must be followed when approving a permit on roads under the supervision of a Consulting Engineer prior to acceptance by Operations:

- 1. The applicant must submit four (4) copies of the permit application and related documents to the General Consultant's Section Engineer in charge of the project.
- 2. The Section Engineer must check the application to see that it complies with the regulations in the Permits Manual.
- 3. The Section Engineer must forward the application to the District Permits Engineer along with a recommendation.
- 4. The District Permits Engineer must follow the normal processing procedures and advise the section engineer of the final disposition of the application.

#### **DISTRIBUTION:**

See Chapter PE-105-4

	Chapter	,	
PERMITS		ENTRANCES	
	Subject		
		Maintenance	

Summary:

This section explains general information necessary to perform maintenance on permitted entrances.

GENERAL INFORMATION:

MAINTENANCE - Before any major repairs, other than routine maintenance (on right-of-way encroachments) are performed on any existing installation, the applicant is required to submit the plans for repairs to the District Permits Engineer, for review and approval. In unusual cases, the District Permits Engineer may forward repair plans to the Central Office Permits Branch, for further review and consideration. In emergencies, the request may be handled by telephone and confirmed in writing at a later date. A permit will be required.

**SAFETY:** 

TRAFFIC CONTROLS - Traffic controls for maintenance operations must conform with the Kentucky Standard Drawings of U.S. Department of Transportation MUTCD. All maintenance operations must be planned with full regard to safety to keep traffic interference to an absolute minimum. On heavily traveled highways, maintenance operations interfering with traffic will not be allowed during peak traffic flow periods. Planning should be done to ensure minimum interference.

**ENTRANCES:** 

WHO'S RESPONSIBLE FOR MAINTENANCE? - After construction is completed on permitted entrances, maintenance of the entrance is the responsibility of the property owner except that the Department will maintain the entrance from the edge of the pavement of the roadway to the normal width of the roadway shoulder only. If the property owner fails his maintenance obligation, it is a violation of the terms of the permit he signed and the Department will take appropriate action as outlined in Chapter PE-109-2.

MAINTENANCE OF NEWLY CONSTRUCTED PRIVATE AND COMMERCIAL ENTRANCES (when constructed as a part of a state road improvement project) - Because some newly constructed private or commercial entrances fail to achieve satisfactory stability, the Department may provide maintenance on such entrances to the end of new construction, as shown on plans, until stability is obtained. Each entrance will be judged on its own merit by the Chief District Engineer. Each

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### **ENTRANCES** (Cont.):

MAINTENANCE OF NEWLY CONSTRUCTED PRIVATE AND COMMERCIAL ENTRANCES (when constructed as a part of a state road improvement project) (Cont.) -

authorization for maintenance beyond the normal shoulder width will be immediately reported to the Director of Operations by submitting Form TC 71-21. The Director of Operations will have all work inspected to ensure conformance to Department policy.

Future Maintenance - of such entrances will not be the responsibility of the Department except that the Department will maintain the entrance from the edge of the roadway pavement to the normal width of the roadway shoulder only. Maintenance of the remainder of the entrance on the state's right-of-way will be provided by the property owner. If the Department requires the replacement of a drainage structure to correct a drainage problem along the highway, the cost of the replacement may be borne by the Department, provided the entrance was originally constructed and maintained to Department standards.

MAINTENANCE OF OLD OR EXISTING ENTRANCES - In specific individual cases where, in the judgement of the Chief District Engineer, a residential or farm entrance is causing damage to the roadway or danger to the public, the Chief District Engineer may authorize maintenance work, including materials, to correct the problem. (See Operations Manual) When a drainage structure has been approved by the Department, and it becomes inadequate to function properly or when it has been damaged by the Department, it may be replaced at the expense of the Department.



Entrances constructed in violation of the policy, MUST BE IMMEDIATELY REMOVED WHERE DRAINAGE IS AFFECTED.

All entrances, which have been constructed for three or more years, without the property owner being informed in writing that his entrance is in violation of Department rules and regulations, must be treated as a properly permitted entrance, as far as their maintenance is concerned. This does not give the property owner the same rights as a properly permitted entrance, as set forth in this manual.

ENTRANCES EXISTING PRIOR TO STATE ACCEPTANCE - All entrances which were constructed prior to the Department's accepting a road into the state-maintained system from another agent or agency, will be considered as properly permitted entrances for all purposes.

PUBLIC SCHOOL ENTRANCES, EXISTS, AND PULL-OFFS . . . p. 3

### ENTRANCES (Cont.):

PUBLIC SCHOOL ENTRANCES, EXITS, AND PULL-OFFS - The Department will maintain, at its expense, that portion of public school entrances and exits (including all drainage structures) which are located on the state's right-of-way. Those areas located on the state's right-of-way, which have developed as pull-offs and auxiliary lanes for school buses, will also be maintained at the expense of the Department.

INDUSTRIAL ENTRANCES - When improvements are necessary for entrances to industrial facilities, the cost for them may, in some instances, be borne by the Department, as allowed by Department policy on industrial access roads (See State Highway Engineer Manual). For these reasons, the Chief District Engineer will contact the Central Office to determine whether the Department or the permittee will bear the resulting costs, whenever these additional improvements are necessary.

**\* \* \*** 

PERMITS	ACCESS CONTROL
	Subject Policy and General Information

Summary:

This subject prescribes the policy relating to access control for permits and entrances

GENERAL INFORMATION:

**POLICY** - It is necessary to define, design, construct and maintain highways whereby the access (ingress and egress) is controlled. 603 KAR 5:120 and 603 KAR 5:150 authorizes the Department of Highways to issue permits to allow additional entrances and relocation of existing entrances in accordance with policy and procedures for the three types of access control outlined in this chapter.

# CONDITIONS AND REQUIREMENTS:

### TYPES OF ACCESS CONTROL - Right of Way Deeds - Access

**Records -** Every deed of conveyance of property acquired by the Department for the purposes of right-of-way for any state or federal project must show, in addition to the official order number, the designated type of access control for the highway for which the property was acquired. Types of control are:

- Fully Controlled Access
- Partially Controlled Access
- Control of Access by Permit

In cases where the control of access for a parcel or a portion of a parcel is different from that designed for the project, such as frontage on the project and on a frontage or approach road, the deed of conveyance must clearly set forth the limits of the parcel which come under different types of access control, as well as the type of control for the project.

**Public Record -** The department maintains records for public inspection at its office in Frankfort, Kentucky, of all completed state and federal projects, together with the designation of the types of access to be allowed on the project as defined in 603 KAR 5:120.

# **ACCESS: ADDITIONS and MODIFICATIONS:**

FULLY CONTROLLED ACCESS - On all highways where access is "fully controlled," additional accesses will be granted only by constructing new interchanges, with grade separations where applicable. Design of these new interchanges must conform with the department's current design standards.

PARTIALLY CONTROLLED ACCESS . . . p. 2

ACCESS: ADDITIONS and MODIFICATIONS (Cont.):

PARTIALLY CONTROLLED ACCESS - On all highways where access is "partially controlled," the department may permit relocation or shifting of existing access points, addition of new access points, elimination of existing access points, or modification of access control under the following circumstances:

- 1. An access point may be modified, relocated, eliminated, or shifted by mutual consent of the property owner and the department. The access must remain on the same side of the highway, cannot go beyond another existing entrance, and must meet minimum spacing within the department's current design standards. It must be an improvement based on standard engineering practices and safety criteria. Permits may be issued by the department for modifying, relocating, or eliminating an access point on a partial control access facility provided the request is in conformance with Chapters PE-100 and PE-300 of this manual.
- 2. Additional access points may be permitted under the following circumstances after a permit request is processed as set forth in this chapter:
  - a. The original design and/or subsequent revisions represent overly restrictive control in light of current state design criteria for access points on partially controlled access highways; and
  - b. The centerline of the requested access must not be closer than 1200 feet to the centerline of the nearest existing point of access in rural areas: or the centerline of the requested access must not be closer than 600 feet to the centerline of the nearest existing point of access in urban areas.
  - c. If the deed of conveyance specifies the exact location of or absence of access, a deed revision is required if new access is allowed or an existing access is removed or eliminated. The deed of conveyance must be modified by filing a deed of correction in the county court house at the expense of the property owner.
  - d. If new access is allowed, or if an existing entrance is moved or eliminated, the **Department's as-built roadway plans will be revised** to reflect the change of entrance location. The revised plans must be provided to all affected offices.
  - e. The 1200 feet and 600 feet can be reduced up to 15% if warranted by an engineering study and approved by the State Highway Engineer.

ACCESS BY PERMIT . . . p. 3

ACCESS: ADDITIONS and MODIFICATIONS (Cont.):

ACCESS BY PERMIT - On all highways where access control is by permit, the department has established criteria for modifying existing access or allowing additional access points that consider the safety and the interest of the highway users. Permits may be issued by the department for additional access provided they are in conformance with Chapter PE-300 of this manual.

RAILROAD ACCESS - In the event railroad tracks, which justify railroad access to a highway, are no longer usable or the property on which the tracks lie has been sold for non-rail purposes, railroad access will no longer be allowed at that point. In such instances, the department will not be required to alter its plans. If the property owner wishes to apply for access, he may do so in accordance with this Chapter and Chapters PE-100 and PE-300 of this manual.

CHANGE IN ACCESS CONTROL DESIGNATION - When a previous decision specifying access control is no longer necessary, as determined by the department, the department may change the access control designation to the extent justified, in accordance with procedures outlined in 603 KAR 5:120. Authority for changing access control designation lies with the State Highway Engineer and Commissioner of Highways. No permit will be issued.

#### INDEMNITY:

ACCESS ON FULLY CONTROLLED ACCESS PROJECTS - as determined by the Chief District Engineer should be equal to the cost estimate of the project.

#### PROJECTS WITH PARTIALLY CONTROLLED ACCESS -

Modifying, relocating, shifting, or eliminating an access point (requiring median opening, storage lanes, auxiliary lanes, traffic signals, etc.) - Indemnity must be for the estimated total cost of the work, as determined by the Chief District Engineer.

Additional Access Points - Requiring roadway modifications as stated above; and, requiring the applicant to reimburse the department for processing costs. Minimum indemnity: \$5,000 plus such additional amount, as determined by the Chief District Engineer, that will cover the processing costs and the total cost of all work authorized by the permit.

Projects with Access Control By Permit - See Chapter PE-302-2.

**SAFETY** . . . p. 4

### **SAFETY:**

**SAFETY CONSIDERATIONS** - must be incorporated into the permit and must be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), if applicable.

**SPECIAL SAFETY** - These features are required as outlined in Chapter PE-303-1 of this manual

#### **MAINTENANCE:**

**PERMITTED WORK** - After construction is completed on permitted work, maintenance of the facility is the responsibility of the property owner, except that the department will maintain permitted entrances from the edge of the roadway pavement to the normal width of the roadway shoulder only. If the property owner fails his maintenance obligation, it is a violation of the terms of the permit and the department will take appropriate actions as outlined in Chapter PE-109-2.

### **PERMITS**

Chapter

### ACCESS CONTROL

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for an access control permit and the procedures that are followed when processing this type of application request.

GENERAL INFORMATION:

PROCESSING AND DOCUMENTATION REQUIREMENTS FOR ADDITIONAL ACCESS POINTS on Fully and Partially Controlled Access Highways - All requests require Central Office review. The application is received at the district office and must include the design for the access and related roadway modifications including construction details and any other information requested by the department. If the request is on the National Highway System, the district permits engineer will complete form TC 99-28 (Categorical Exclusion Checklist) in accordance with Chapter PE-100.

**REIMBURSEMENT FOR ADMINISTRATIVE COSTS -** The applicant must reimburse the department for administrative expenses incurred in processing the application. This includes reviews and appraisals.

RECEIVING THE APPLICATION AND ASSIGNING PROJECT

NUMBER - When the District receives the application for additional access points, the applicant and the Chief District Engineer must sign a copy of Form TC 99-22 (Agreement for Services to be Performed) and include it with the application package. This package is then forwarded to Central Office. A total estimated cost of \$5,000 should be adequate in most situations. Should the completion of TC 99-28 (Categorical Exclusion Checklist) indicate the need for further review by the Division of Environmental Analysis, the estimate should be increased by approximately \$2,000. A project number must be assigned for each application as follows:

ACCT - FE04
PREFIX - SF
COUNTY - 3-Digit County Code
ROUTE - 4-Digit Route Code
TERMINI - AC

### GENERAL

### INFORMATION (Cont.):

# RECEIVING THE APPLICATION AND ASSIGNING PROJECT NUMBER (Cont.) -

The five blanks after "AC" in the Termini represent a five-digit sequential number beginning with "00001" in each district.

### FINAL APPROVAL WITHHELD UNTIL PROCESSING

CHARGES PAID - All charges for permit processing, reviews, and appraisals for the permit request should be made to its project number. Once the permit is processed, the applicant must reimburse the Department for all charges made to their project number before final approval is granted. All payments for processing charges should be forwarded to the Central Office Permits Branch. (See step 20, Chapter PE-403)

## PROCESSING RESPONSIBILITY:

CHIEF DISTRICT ENGINEER - Will have his/her engineering staff review the proposal for compliance with the requirements of this manual.

DISTRICT PERMIT ENGINEER - It is the duty of the permit engineer to review and process all access control permit applications including assigning the application a permit number, distributing copies for review by applicable district personnel and the Central Office Permits Branch, and final processing the application after appropriate signatures, recommendations, and/or comments are obtained.

CENTRAL OFFICE PERMITS BRANCH - has the responsibility of coordinating approval of the access request with all appropriate Department division heads as necessary, and the FHWA or Kentucky Turnpike Authority (if applicable).

# APPLICATION DOCUMENTATION:

MUST INCLUDE THE FOLLOWING - All applications involving access control changes require central office review and must be submitted through the Central Office Permits Branch to the State Highway Engineer for review and further handling along with the following documentation:

- Vicinity Map
- Cover letter The cover letter must be fully descriptive and must contain, as a minimum, the following points:
  - A. District recommendation.
  - B. Does it meet criteria of policy?
  - C. Sight distance problems?
  - D. Other safety related problems.
  - E. Drainage problems?
  - F. What type of development is planned for the affected property?
  - G. State the <u>existing</u> entrance spacing on the roadway AND the <u>proposed</u> entrance spacing for which the permit is being requested.

# APPLICATION DOCUMENTATION (Cont.):

### MUST INCLUDE THE FOLLOWING (Cont.) -

- H. Add any additional pertinent information that will facilitate a progressive review by the Central Office.
- I. Size of tract to be appraised.
- J. Zoning (if any) on tract to be appraised.
- K. Type of improvements (if any).
- Permit application
- Plans

REQUIRED NUMBER OF COPIES - The applicant must furnish seven (7) complete sets of plans and necessary documents to the Permit Engineer. The Permit Engineer forwards six (6) sets to Central Office. After Central Office processing is complete, all but one (1) set of packages are returned to the district

# PERMIT APPROVAL:

After all the necessary documents are completed, the following steps will be taken to review and approve the request.

**DISTRICT OFFICE** - The Chief District Engineer must have his/her engineering staff review the proposal for compliance with policy. Six (6) sets of the application and documentation must be submitted to the Central Office Permits Branch with a firm recommendation.

CENTRAL OFFICE PERMITS BRANCH - Upon receipt, the Central Office Permits Branch will submit the permit request to the appropriate Division heads as shown in processing steps 1 through 27 in Chapter PE-403.

Chapter ACCESS CONTROL **PERMITS** Subject Detailed Processing Procedures for Additional Access Requests This subject describes the detailed processing procedures for additional Summary: access requests. Place this instruction brochure with the permit request pending file at the district and in the Central Office Permits Branch. Check each step off as it is completed. This facilitates information exchange between the district and Central Office regarding the status of processing progress of the request. Step 1 Applicant submits seven (7) sets of basic drawings to the district, including executed form TC 99-22... District submits six (6) sets of basic drawings and department plans to central office Step 2 Permits Branch with recommendations and form TC 99-28, if request is on National Highway System. Central Office Permits Branch submits drawing to Divisions of Operations, Traffic, Step 3 Construction, Design, and Right-of-Way, and Environmental Analysis if necessary, for review and recommendations When all divisions return their recommendations, the Central Office Permits Branch Step 4 submits the request to the State Highway Engineer's Office to be submitted to FHWA or Turnpike Authority, if applicable, for their recommendations. Step 5 The State Highway Engineer will submit his recommendation, together with the various recommendations received by him to the Commissioner of Highways. Step 6 If the State Highway Engineer recommends approval of a permit request where access control is full or partial, the Commissioner of Highways will request the Chief **District Engineer** to advertise in the local newspaper, giving an opportunity for local citizens to request a public hearing. If disapproved, the district will be advised to inform the applicant and the process stops. \_\_\_ Step 7 . . . p. 2

	Step 7	The Chief District Engineer will place the advertisement in the local newspaper one time and wait at least 20 days for a response from local citizens. If no response is received, the Chief District Engineer will advise the Central Office Permits Branch accordingly, who in turn will advise the Commissioner of Highways through the State Highway Engineer.		
NOT	E	Upon advice step 17.	from the State Highway Engineer, the permit processing continues. Go to	
	_Step 8	If a response is received for a hearing, the <b>Chief District Engineer</b> will advise the Central Office Permits Branch, who will advise the Commissioner of Highways of the response.		
	Step 9	Upon advice from the Commissioner of Highways to prepare for a hearing, the Central Office <b>Permits Branch</b> will establish an account number to be assigned to the particular project (permit applicant) by the Division of Accounts.		
	_Step 10	Central Office	Permits Branch will request the district, in writing to:	
	A)	Al)	Make the necessary arrangements for a site to hold the hearing.	
	•	A2)	Provide some means of recording the proceedings.	
		A3)	Advertise legal notice of the public hearing in the local newspaper (sample attached), one time, one week in advance of the hearing.	
		A4)	Advise the Central Office Permits Branch at least six (6) to eight (8) weeks in advance as to the date and location of the hearing so that pamphlets may be printed accurately	
	B)		ed out pamphlets for the hearing and return to the Central Office Permits printing as soon as possible. (Sample attached - red circled areas).	
	_Step 11	Upon receiving the draft of the pamphlet to be printed, the <b>Permits Branch</b> will prepare form TC 76-501, "Offset Printing & Quick Copy Request" and submit with pamphlet draft to the Division of Property and Supply Services. (Normally 100 printed copies are requested to be delivered to the Central Office Permits Branch)		
	_ Step 12	The Central Office Permits Branch will develop exhibits and equipment needed to show the exhibits at the hearing:		
		<ul> <li>Aerial photo(s)</li> <li>Highway plan sheets</li> <li>Slides (or still pictures)</li> <li>Exhibit boards, projector, etc. (Available from the Division of Employee Recruitment and Development if the district does not have)</li> <li>All of these should be coordinated with the district preparatory to the hearing.</li> </ul>		

\_\_\_\_ Step 13 . . . p. 3

2 of 4

Step 13	The Central Office Permits Branch will coordinate the scheduling and conduct the hearing with the department Personnel Public Hearings Coordinator of the Division of Design. The Central Office Permits Branch will coordinate with the Chief District Engineer an advertisement in the local paper one time, one week before the hearing occurs.
Step 14	Hearing conducted by <b>Department Coordinator</b> in cooperation with the representative from the Central Office Permits Branch and necessary district personnel.
Step 15	The <b>Permits Branch</b> representative(s) who attends the hearing will transmit the results, in writing, to the Commissioner of Highways through the State Highway Engineer.
Step 16	After reviewing the results of the hearing, the Commissioner of Highways will make the final decision and advise the State Highway Engineer to implement the decision.
Step 17	Upon advice from the State Highway Engineer, the Central Office <b>Permits Branch</b> will request the district to advise the requesting party of the final decision on the request. If the decision is to not allow the access, the applicant will be advised and the process stops.
Step 18	If the decision is to allow the access, the district will, before issuing the permit:
A	Require additional documents, plans, studies, and engineering data necessary for a permit. Establish an account number to be assigned to the particular project. (Permit applicants - by the Division of Accounts)
B	Initiate an appraisal, either by the Department or the applicant, to determine any increase in value to the affected property attributable to the new access based on before and after value appraisals.
Step 19	The district will transmit three (3) sets of full permit documentation and drawings through the Central Office Permits Branch for submittal to the FHWA or Turnpike Authority engineers for formal approval of the new access.
Step 20	The Central Office <b>Permits Branch</b> will process the request through the State Highway Engineer to the FHWA or Turnpike Authority engineers.
Step 2	Upon advice from the State Highway Engineer, the Central Office <b>Permits Branch</b> will advise the district of formal approval and the amount of expenses charged in the Division of Accounts.

\_\_\_\_ Step 22 . . . p. 4

Step 22 7	The district will advise the applicant of:
A)	Formal approval.
B)	Amount of expenses to be reimbursed to the department for processing permit.
C)	Appraised amount of payback for increase of value of property with new access.
NOTE	Amount of expenses to be reimbursed and appraised amount of payback for increase of value of property should be paid by two separate certified checks. Each made payable to Kentucky State Treasurer.
Step 23	The <b>district</b> will submit applicant's two (2) checks to the Division of Accounts through the Central Office Permits Branch.
Step 24	The <b>district</b> will issue the permit and monitor the construction of the entrance to completion (by completion date on permit).
Step 25	When construction begins on the entrance, if necessary, the <b>district</b> will obtain a copy of the deed to the property and make a deed of revision, have the property owner sign it and transmit the executed revised deed with a department plan sheet to implement a microfilm as-built sheet change to the Central Office Permits Branch.
Step 26	The Central Office Permits Branch will submit the revised deed to the Division of Right-of-Way for their files and process the plan change to the Division of Design with a request that copies be provided to the district and the Central Office Permits Branch.

PERMITS	Chapter GRADING
	Subject Policy and General Information

**Summary:** 

This subject prescribes the policy relating to grading.

GENERAL INFORMATION:

**POLICY** - The Department receives many inquiries requesting permission to alter the topography of the state's right-of-way. The purpose generally being to enhance the appearance of the requestor's property. The Department does not consider the values derived by adjacent property owners as having precedence over Department objectives.

Material on the right-of-way is not to be considered for sale and will not be removed on strictly monetary considerations. Reimbursement for material removed from the right-of-way of federally funded projects will be based on fifty cents (50¢) per cubic yard, unless there is an increase in safety due to the grading. Excavated material under 1000 cubic yards will not require reimbursement. This is determined by the Chief District Engineer.



A certified check for the appropriate amount, made payable to the Kentucky State Treasurer, must be submitted to the Division of Accounts with full federal and state right-of-way project identification for dispensation to the proper account.

**RIGHT-OF-WAY DISTURBANCE** -The Department will not permit the removal, relocation or restoration of earth, stone, or materials of any kind from the right-of-way except:

- A) When such activities will cause a significant improvement in safety, convenience, or aesthetics of the highway facility.
- B) When such activities are necessary in the construction or reconstruction of a permitted entrance and where such activities will constitute a definite improvement to the safety, convenience, or aesthetics of the highway facility
- C) In the case of small volumes (less than 1000 cu. yards) it is recognized that very little value or harm is involved, that aesthetic value is probably the only motive. Therefore, these may be permitted if there is no adverse effect upon the right-of-way.

APPLICATION AND PERMIT FORM . . . p. 2

## APPLICATION AND PERMIT FORM:

FORM TC 99-1 - used to process applications and approve permits for excavating, unless such work is incidental to an entrance permit, in which case these items will be included in the entrance application. The Chief District Engineer will decide whether the activity is incidental to an entrance. All applicants for a permit to excavate, fill or relocate over 10,000 c.y. of material on the right-of-way, or alter the drainage of a highway, must be submitted to the central office Permits Branch for their review and recommendation.

### NO PERMITS ISSUED IF -

- A. The filling or excavating will adversely effect the natural drainage.
- B. The excavation will expose unsightly views.
- C. The filling or excavation will create erosion or stability problems.
- D. The filling or excavation will require greater maintenance efforts.
- E. The excavating or filling will interfere with or otherwise create problems for other permitted activities on the right-of-way such as utility installations.

# CONDITIONS AND REQUIREMENTS:

Several requirements apply only to grading permits. One or more of the following must be accomplished before a permit may be issued.

### **EXCAVATIONS -**

- A. Excavating will improve sight distance.
- B. Excavating will enlarge the clear zone.
- C. Excavating will provide a more pleasing view for road users.
- D. Excavating will provide for easier mowing.
- E. Excavating will improve slope stability problems.

#### Filling -

- A. Filling will allow the elimination of guardrail and enlarge the clear zone. Removed guardrail must be delivered to the local maintenance headquarters by the applicant.
- B. Filling placed against an existing roadway must be constructed to intersect the outside shoulder edge and slope away from the road on a 6:1 slope to the ditch flow line or a depth of 3 feet.
- C. Filling will improve stability problems.
- D. Filling will provide for easier mowing.
- E. Filling will provide for more pleasing view to road users.

### **EXCAVATION MATERIAL** . . . p. 3

# CONDITIONS AND REQUIREMENTS (Cont.):

### **EXCAVATIONS (Cont.) -**

Excavation Material - Any material removed from highway right-of-way must be disposed of by the applicant as directed by the Chief District Engineer or his/her authorized representative. If the material is not needed by the Department, the Chief District Engineer may allow the applicant to dispose of it on the applicant's property. In no case will the applicant be permitted to place it on other private property for monetary gain.

Sodding, Seeding, and Mulching - Where turf is present, restoration consists of mechanical tamping, dressing, reseeding, and mulching all affected areas of the right-of-way. All slopes and other portions of the non-surfaced highway buffer area, except rock cuts, must be restored by sodding or seeding and mulching. The sod method is preferred. If the applicant can show that sod is not reasonably available, then seeding and mulching will be allowed. The procedures outlined in the Department's Standard Specifications will apply. In all cases, a good turf must be guaranteed by the permittee. Permits and bonds are not to be released until this condition is met.

**INDEMNITY** - Indemnity for these types of permits will be determined by the Chief District Engineer.

### **SAFETY:**

SAFETY CONSIDERATIONS - Special care must be taken by the permittee to provide adequate signing and safety precautions in accordance with the permit and the Manual on Uniform Traffic Control Devices (MUTCD).

#### **MAINTENANCE:**

MAINTENANCE BY THE DEPARTMENT OF HIGHWAYS - The department will maintain the right-of-way after completion of any grading or filling work and the release of the indemnity.

	Chapter
PERMITS	GRADING
	Subject
	Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a grading permit and the procedures that are followed when processing an application request.

# PROCESSING RESPONSIBILITY:

**DISTRICT PERMIT ENGINEER -** The District Permit Engineer reviews and processes all grading permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and Central Office Divisions, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

#### **CENTRAL OFFICE -**

- A. All applications that require central office review must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers.
- B. These applications must be submitted to the Central Office Permits Branch with the District's recommendation.
- C. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.
- D. If the application contains features requiring consideration by any other Central Office areas, the Central Office Permits Branch will ensure that the appropriate people are contacted before proceeding.
- E. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion.

CENTRAL OFFICE (Cont.) . . . p. 2

# PROCESSING RESPONSIBILITY (Cont.):

### CENTRAL OFFICE (Cont.)

- F. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any.
- G. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.

# APPLICATION DOCUMENTATION:

### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1 (completed)
- C. Plan Sheets
- D. Roadway Plan Sheets
- E. Cross Sections
- F. Quantities of Material Involved
- G. Other pertinent information which may include deeds verifying adjacent ownership as requested.

REQUIRED NUMBER OF COPIES FOR GRADING PERMIT APPLICATION (TC 99-1) - Applications approved at the District Office require four (4) copies. Applications requiring Central Office review need six (6) copies, with three (3) being sent to the Central Office.

#### PERMIT APPROVAL:

**DISTRICT OFFICE** - The Chief District Engineer has the authority to approve or disapprove all applications for right-of-way encroachment permits. Permit requests for less than 10,000 c.y. may be approved by the Chief District Engineer unless there is significant drainage.

**PERMITS REQUIRING CENTRAL OFFICE REVIEW -** Permit requests involving 10,000 c.y. or more or significant drainage must be submitted to the Central Office for review before approval can be granted by the District Office.

#### **DISTRIBUTION:**

See Chapter PE-105-4

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	Chapter		
PERMITS	DRAINAGE		
	Subject		
	Policy and General Information		

Summary:

This subject discusses some of the specifications and requirements concerning drainage structures.

DRAINAGE STRUCTURES:

**POLICY -** Any request to alter or replace existing drainage in rural or urban areas must not obstruct or restrict the normal storm water flow involved, unless a suitable provision is made. The Chief District Engineer must agree that the type, size, and installation of the drainage features proposed are adequate for present and foreseeable future requirements and have a reasonable life span.

CONDITIONS AND REQUIREMENTS:

**DRAINAGE STRUCTURES** - All drainage structures and appurtenances (junction boxes, manholes, catch basins, curbing, inlet basins, etc.) must conform to Department specifications and the Department's Drainage manual and must be constructed in accordance with Department standard drawings.

**DRAINAGE PIPES** - The size, length, and type of pipe must be specified by the Chief District Engineer, but can not be less than 15 inches in diameter, unless specifically authorized. The type of pipe material acceptable is specified in chapter 4 of the Division of Operations' guidance manual.

Additional Pipe Specifications - All drainage pipe, whether corrugated metal, concrete, steel, or bituminous coated corrugated metal, must meet appropriate Department specifications and requirements. The length of the pipe must be long enough to prevent end damage. Safety headwalls may be required by the Chief District Engineer. Where long lengths of pipe are used, catch basins or cleanout boxes must be installed at approximate intervals of 50 feet, based on pipe diameter of 15 inches. Special consideration may be given for placement of clean-out boxes at longer intervals for larger diameter pipe. Manholes are required at all angles and junctions in pipe alignment.

HYDRAULIC ANALYSIS . . . p. 2

HYDRAULIC ANALYSIS - Any proposal to alter or significantly increase a drainage area, runoff factors, or in any way change the performance of an existing drainage structure, must be accompanied by a complete drainage survey and hydrologic analysis (upstream and downstream) based on 25 year and 100 year storms. This analysis must include a comparison of existing and proposed conditions. Streams with regulatory floodways must meet FEMA criteria, and complete documentation must be submitted.

**UPSTREAM CONTROLS** - Drainage features must be designed in accordance with the following controls:

- A. Existing and proposed conditions must be compared.
- B. In large watersheds (1 sq. mile or greater) which contain no development, an increase of HW for a 100 year storm of 1.0 foot is allowable. If development is present, a zero increase on the floodway is mandated.
- C. In small watersheds (less than 1 sq. mile), an allowable HW must be established to minimize damage to upstream property.
- D. A violation of the above criteria must require flood easements from all affected areas.

INADEQUATE DOWNSTREAM DRAINAGE FACILITIES - If a permittee's development will create sufficient additional surface drainage run-off so that the existing downstream drainage facilities (such as cross-drain pipes or culverts, storm drain systems, entrance pipes, open ditches, paved ditches, special channels, or any other drainage facility) become inadequate to accommodate the increased flow, then the applicant is solely responsible to:

A. Modify or replace the downstream drainage facility or facilities, so the increased flow is adequately accommodated to the Department's satisfaction.

- OR -

B. Provide an on-site retention basin of appropriate capacity and discharge design that enables the existing downstream drainage facilities to continue to function adequately to the Department's satisfaction. Retention of storm water is not permitted on the right-of-way.

**PERMITTEE ASSUMES LIABILITY** - It is specified that the permittee must assume all responsibility for any lawsuits or damage claims resulting from alterations made in the existing highway drainage system.

FINAL AGREEMENTS . . . p. 3

FINAL AGREEMENTS - Any alterations and measures that will be necessary must be part of the applicant's commercial access permit. No permits can be issued prior to final agreement on all aspects of this work.

**INDEMNITY** - The required indemnity for permits involving drainage work will be determined by the Chief District Engineer.

**SAFETY** - All traffic control and signs, if needed, must be in accordance with the permit and the MUTCD.

**MAINTENANCE** - When a drainage structure has been approved by the Department, and it becomes inadequate to function properly or when it has been damaged by the Department, it may be replaced at the expense of the Department.

# **PERMITS**

Chapter

### DRAINAGE

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a drainage permit and the procedures that are followed when processing an application request.

PROCESSING RESPONSIBILITY:

**DISTRICT PERMIT ENGINEER** - The District Permit Engineer reviews and processes all drainage permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

#### **CENTRAL OFFICE -**

- A. All applications that require central office review must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers.
- B. These applications must be submitted to the Central Office Permits Branch with the District's recommendation.
- C. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.
- D. If the application contains features requiring consideration by any other Central Office areas, the Central Office Permits Branch will ensure that the appropriate people are contacted before proceeding.

CENTRAL OFFICE (Cont.) . . . p. 2

# PROCESSING RESPONSIBILITY (Cont.):

# CENTRAL OFFICE (Cont.)

- E. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion.
- F. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any.
- G. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.

# APPLICATION DOCUMENTATION:

## MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Application Form TC 99-1
- C. Applicant's Plan Sheets
- D. Roadway Plan Sheets
- E. Cross Sections
- F. Other pertinent information and data as required by the Chief District Engineer.

REQUIRED NUMBER OF COPIES FOR UTILITY PERMIT APPLICATION (TC 99-1) - Applications approved at the District Office require four (4) copies. Applications requiring Central Office review need six (6) copies, with three (3) being sent to the Central Office.

### PERMIT APPROVAL:

**DISTRICT OFFICE** - The Chief District Engineer has the authority to approve or disapprove all applications for drainage permits. Permits may require Central Office review prior to approval or disapproval as listed below.

PERMITS REQUIRING CENTRAL OFFICE REVIEW - Permit requests for drainage considerations on an Interstate, partially controlled access facility or any request that is out of the ordinary or beyond the review capability of the District, must be submitted to the Central Office before approval by the District Office.

#### **DISTRIBUTION:**

See Chapter PE-105-4

	1 12 7 V I
	Section
DEDMITE	LANDSCAPING
PERMITS	Subject
	Policy & General Information

**Summary:** 

This subject discusses policies of the Transportation Cabinet as they relate to landscaping on and around Kentucky's roadways.

GENERAL INFORMATION:

**POLICY** - Requests by adjacent landowners to place planting upon the right-of-way will be considered when there is no adverse effect. In general, their motive is to enhance the appearance and create a more aesthetic area adjacent to their property. The Department recognizes this; however, the applicant's desires can not have precedence over the Department's objectives.

# CONDITIONS AND REQUIREMENTS:

**INCLUDE** - Generally, all permits concerning landscaping should be reviewed and subject to the following:

- A. Plantings can not infringe on the frontage rights of an abutting property owner without written consent of the property owner.
- B. Plantings can not be placed where they will adversely affect drainage.
- C. Planting can not restrict sight distance, or traffic control devices, as required by local, state, and federal standards.
- D. Planting placement must allow for a minimum of six seconds sight distance in all directions from the stop position for all access points and for all turning movements.
- E. Maximum mature height of median and island plantings can not exceed twelve inches and can be no closer than eight feet to edge of pavement.
- F. No plantings can be placed on the right-of-way closer than fifteen feet from the outside edge of pavement or between the outside edge of pavement and normal roadway ditch line.

**CONDITIONS AND REQUIREMENTS (Cont.)** . . . p. 2

# INCLUDE (Cont.) -

- G. Only plantings of a shrub variety which will not exceed a maximum mature stem or trunk diameter of three inches, measured six inches above plant base, are permitted within the right-of-way area between fifteen feet and thirty feet from the outside edge of pavement or between the normal roadway ditch line and thirty feet from the outside edge of pavement, whichever is applicable.
- H. Plantings can not exceed a maximum mature base trunk diameter of twelve inches within the right-of-way area between thirty feet and forty-five feet from the outside edge of pavement.
- I. In areas protected by existing guardrail, other than the twenty feet of protected area from both ends, planting size restrictions may be waived, provided there is no conflict with other restrictions.
- J. In roadway cut sections where the back slope is 2:1 or greater, planting size restrictions may be waived provided there is no conflict with other restrictions.
- K. A separate Maintenance Agreement may be required.
- L. Specific details for distances as it relates to speed, slopes, etc. must be according to the "Roadside Design Guide". If this reference requires a barrier, the encroachment will not be permitted.
- M. The following conditions will apply to wildflower planting sites only:
  - 1. Cooperative participation by service clubs, garden clubs, or other civic groups will be allowed only under an approved landscape permit.
  - Wildflower planting sites for cooperating groups will be located on major arterial routes that lead into populated areas. Sites will not be permitted on fully controlled access facilities.
  - 3. Wildflower planting sites will not be permitted in medians or islands.

# **CONDITIONS AND REQUIREMENTS (Cont.)** . . . p. 3

# INCLUDE (Cont.) -

- 4. Wildflower planting sites will be located in areas of high visual impact to motorists.
- 5. Wildflower planting sites will be small in nature; a maximum of three acres in size.
- 6. The selection of seed for wildflower plantings must be from the list of species approved by the University of Kentucky and the Division of Operations. (See Exhibit 55)
- 7. The selection of wildflower planting sites and seed selection shall be approved by an encroachment permit from the District Office Permit Engineer with input from the Operations Branch of the District Office, at the request of the Adopt-A-Highway Coordinator, if applicable.
- 8. Should the group neglect maintenance of the site so that it becomes a nuisance or an "eyesore", the Department will take action to eliminate the site.

**INDEMNITY** - The indemnity for this type of permit will be determined by the Chief District Engineer.

#### **SAFETY:**

**SAFETY CONSIDERATIONS** - The permittee must provide signing and safety precautions in accordance with the permit and the Manual on Uniform Traffic Control Devices (MUTCD).

#### **MAINTENANCE:**

MAINTENANCE BY THE DEPARTMENT OF HIGHWAYS - The maintenance of the right-of-way will remain with the Department unless it is otherwise specified under the conditions of the permit.



# **PERMITS**

Chapter

#### LANDSCAPING

Subject

Application Documentation and Processing Procedures

### Summary:

This subject details the documentation necessary when applying for a landscaping permit and the procedures that are followed when processing an application request.

# PROCESSING RESPONSIBILITY:

**DISTRICT PERMIT ENGINEER** - The District Permit Engineer reviews and processes all landscaping permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

Wildflower plantings shall be coordinated with Adopt-A-Highway Coordinator, if along a current adopted section of highway.

**REDA** - The District REDA reviews all applications and discusses pertinent information with the applicants to properly locate the planting areas. The District REDA advises the District Permit Engineer on all requirements.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

# APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1 (Completed)
- C. Applicant's Plan Sheets
- D. Roadway Plan Sheets
- E. Cross Sections
- F. Other pertinent information and data as required by the Chief District Engineer.
- G. Agreement, if applicable.

APPLICATION

**DOCUMENTATION:** 

(Cont.)

REQUIRED NUMBER OF COPIES FOR LANDSCAPING PERMIT

APPLICATIONS (TC 99-1) - Applications approved at the District Office

require four (4) copies.

**PERMIT APPROVAL:** 

DISTRICT OFFICE - The Chief District Engineer has the authority to

approve or disapprove all applications for right-of-way encroachments.

**DISTRIBUTION:** 

See Chapter PE-105-4

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# **PERMITS**

Chapter

#### RIGHT-OF-WAY FENCE REPLACEMENT

Subject

Policy and General Information

Summary:

This subject discusses some of the specifications and requirements concerning right-of-way fence replacement.

GENERAL INFORMATION:

**POLICY** - The Department will consider permit applications to replace existing right-of-way fence with ornamental or "security" type fencing.

CONDITIONS AND REQUIREMENTS:

**INCLUDE** - The following information gives some general guidelines for considering permit requests to replace right-of-way fencing:

## Replacement Fence -

- A. Must be at least 48" tall and strong enough to contain animals, if applicable;
- B. Must be constructed a minimum of one foot and a maximum of two feet outside the right-of-way line;
- C. The fence materials and design must meet accepted industry standards and be treated or paintable;
- D. The permittee is required to maintain the fence in a high state of repair. A separate maintenance agreement may be required.
- E. The existing fence must be removed by the permittee and delivered to the Department's maintenance storage yard for future re-use by the Department. If not, the Department must be reimbursed for the cost of the fence removed from the site;
- F. The permittee will be required to state, in writing, that control of access will not be diminished as a result of the replacement fence.

**Fabric Replacement -** The replacement of fence fabric is considered maintenance and no central office review is necessary.

Use of Other Materials - Other fence replacement materials will be considered but no replacement can be approved unless it is a physical, visible barrier that will prevent a breach of access control.

INDEMNITY . . . p. 2

CONDITIONS AND REQUIREMENTS

(Cont.):

INDEMNITY - The indemnity for this type of permit will be determined

by the Chief District Engineer.

**SAFETY:** 

SAFETY CONSIDERATIONS - must be incorporated in the permit, and

must be in accordance with the permit and the MUTCD.

MAINTENANCE:

PERMITTEE'S RESPONSIBILITY - The maintenance of the permitted

fence is the responsibility of the permittee.

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Chapter

RIGHT-OF-WAY FENCE REPLACEMENT

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a rightof-way fence replacement permit and the procedures that are followed when processing an application request.

**PROCESSING** RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all right-of-way fence replacement permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

#### **CENTRAL OFFICE -**

- A. All applications for right-of-way fence replacement on fully controlled access facilities require Central Office Permits Branch review and must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers.
- B. These applications must be submitted to the Central Office Permits Branch with the District's recommendation.
- C. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.
- D. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion.

CENTRAL OFFICE (Cont.) . . . p. 2

# PROCESSING RESPONSIBILITY (Cont.):

## CENTRAL OFFICE (Cont.)

- E. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any.
- F. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.

# APPLICATION DOCUMENTATION:

## MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1 (Completed)
- C. Applicant's Plan Sheets
- D. Roadway Plan Sheets
- E. Other pertinent information, as required.

REQUIRED NUMBER OF COPIES FOR FENCE REPLACEMENT PERMIT APPLICATIONS (TC 99-1) - Applications requiring Central Office review need seven (7) copies, with four (4) being sent to the Central Office.

## PERMIT APPROVAL:

**DISTRICT OFFICE** - Request for right-of-way fence replacement must be submitted to the Central Office Permits Branch for review.

**CENTRAL OFFICE** - The Central Office Permits Branch will review the proposal and retain one (1) copy and return remaining copies to the District Office with a recommendation for approval or disapproval.

#### **DISTRIBUTION:**

See Chapter PE-105-4

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**PERMITS** 

Chapter

#### TRIM OR CUT TREES

Subject

Policy and General Information

Summary:

This subject discusses the Cabinet's policy on tree trimming and cutting.

GENERAL INFORMATION:

**POLICY** -The Chief District Engineer may issue tree trimming and cutting permits on interstate, national highway system, and other state-maintained highways or streets only:

- when the permit is needed for the safety of the highway to protect transmission of public power and communication
- to eliminate hazards to property
- for unsightly conditions

603 KAR 3:080 Prohibits - cutting and trimming of trees on the right-of-way of interstate highways and parkways to increase or enhance the visibility of an outdoor advertising sign, or instances involving the erection or maintenance of signs adjacent to the right-of-way.

Cutting and trimming of trees on the right-of-way must be kept to a minimum. All debris, refuse, and waste must be removed from the site. Restore the right-of-way in accordance with Department of Highways' specifications, and any special provisions in utility agreements of permits. Inspection of the trees to be trimmed or cut must be made by the Roadside Environmental District Administrator (REDA). The inspection must be made with the applicant or his representative.

# CONDITIONS AND REQUIREMENTS:

### **INCLUDE** -

- A. All permits issued to trim or cut trees will require the permittee to trim or cut trees within the recognized and approved practices of the Department.
- B. In the event trees on private property overhang the state's right-ofway, no permit will be issued by the Department, unless the applicant has first obtained permission from the adjacent property owner or other public or private person having an interest in the property. This does not apply to utilities serving the general public.

CONDITIONS AND REQUIREMENTS (Cont.) . . . p. 2

## INCLUDE (Cont.) -

- C. The conditions and regulations set forth in Form TC 99-5 to trim or cut trees on right-of-way of the Department must be followed in pruning trees.
- D. In general, the best time for pruning trees is between April and September. However, practical consideration may necessitate pruning operations in any season of the year.
- E. Pruning of maples, birches, walnuts, and other "bleeders" during the early spring should be avoided, if possible.

**INDEMNITY** - The indemnity for this type of permit will be a minimum of \$500 per mile for utility companies.

### **SAFETY:**

## SAFETY CONSIDERATIONS - The following must be considered:

- A. Trimming must be limited to providing clearance of six feet, except for high tension wires when seven feet may be allowed between the uppermost branches and wires. The balance of cutting must be in proportion to maintain symmetry of tree. Exceptions to the preceding may be allowed by the Chief District Engineer on a tree-to-tree basis.
- B. All cut wood must be immediately removed from the right-of-way. Disposal of such must conform with laws and regulations of community, county, and Commonwealth.
- C. Traffic must be maintained on this section of the highway while the work is in progress and until its completion. All necessary precautions must be taken by the applicant to protect the public while the permitted work is in progress. Traffic control must be in accordance with MUTCD.

#### **MAINTENANCE:**

MAINTENANCE BY THE DEPARTMENT OF HIGHWAYS - The maintenance of all trees within the Department's right-of-way will remain with the Department unless relinquished in accordance with this manual.



PERMITS
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Chapter

### TRIM OR CUT TREES

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a trim or cut tree permit and the procedures that are followed when processing this type of application request.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all trim and cut tree permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

**REDA** - The district REDA reviews all applications and discusses with applicants any pertinent information to locate areas as necessary. The district REDA will advise the District Permit Engineer of all requirements.

## **CENTRAL OFFICE -**

- A. All applications must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers.
- B. These applications on fully controlled access facilities must be submitted to the Central Office Permits Branch with the District's recommendation
- C. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.
- D. If the application contains features requiring consideration by any other Central Office areas, the Central Office Permits Branch will ensure that the appropriate people are contacted before proceeding.

CENTRAL OFFICE (Cont.) . . . p. 2

# PROCESSING RESPONSIBILITY (Cont.):

# CENTRAL OFFICE (Cont.) -

- E. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion.
- F. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any
- G. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.

# APPLICATION DOCUMENTATION:

# MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1 (Completed)
- C. County Maps showing routes and mileposts to be involved
- D. TC 99-5 (Completed)
- E. Other pertinent information, as required.

**REQUIRED NUMBER OF COPIES** - Applications requiring Central Office review need seven (7) copies, with four (4) being sent to the Central Office.

#### **DISTRIBUTION:**

See Chapter PE-105-4

# **PERMITS**

Chapter

### USE OF ROADSIDE CHEMICALS

Subject

Policy and General Information

Summary:

This subject discusses the Cabinet's policy on the use of roadside chemicals.

GENERAL INFORMATION:

**POLICY** - This type of permit is to be issued only to utility companies, and will not be issued to contractors or individuals. Inspection of the vegetation to be treated must be made by Roadside Environmental District Administrator (REDA). This inspection must be made with the applicant or his representative. Chemicals must be approved prior to use.

CONDITIONS AND REQUIREMENTS:

WAITING PERIOD - When the chemical application has been completed and the chemical used was in the form of pellets or granules, the REDA or his designated representative, will make an inspection (ten days or more after a rain) to determine if the requirements of the permit have been met.

**Dormant Application -** When dormant chemical application is used, final inspection must not be made until foliage has had an opportunity to fill out.

Permittee Accepts Liability - In accepting a permit, the permittee agrees to assume all liabilities and be fully responsible for any and all damages to private property adjoining or adjacent to the highway right-of-way, or in proximity where wind drift, negligence, or any other reason may be the direct or contributing cause of damage. He is also fully responsible for damages to desirable trees, shrubs, vines and grass, and other ground covers on the highway right-of-way, whether such damage may be caused by negligence or otherwise, or indirectly by wind drift.

Selective Application - Application of chemicals will be considered a selective application in that desirable plants will be left standing without damage. Desirable vegetation destroyed or seriously damaged, as a result of chemical application, either through negligence, carelessness, or otherwise, must be replaced; or the Department must be reimbursed by the permittee in the amount of the replacement or damage value. Further, any negligence or carelessness noted may result in the cancellation of the permit.

Settlement of Damages . . . p. 2

# WAITING PERIOD (Cont.) -

Settlement of Damages - When adjoining property owners or organizations have planted shrubs or other plants on the Department's right-of-way, and they are damaged by use of chemicals, settlement must be made by the permittee to the individuals or organizations, whether in cash or by replacing the damaged foliage.

Removal of Vegetation - All vegetation which is 30 inches or more in height within the boundaries of permittee's chemical application must be cut down to the ground and immediately removed from the right-of-way, before any indemnity is released. Such vegetation cannot be burned on the right-of-way.

Chemicals (Harmful) - Chemicals that are harmful to grass, legumes, vines, and other low-growing cover plants are not to be used on:

- A. Highway cut slopes or fill slopes where such vegetation has been planted or has become established naturally;
- B. Highway shoulders between the highway surfacing and the ditch line;
- C. Other areas where it is obvious that mowing is done as a part of highway maintenance.

Erosion Controlling Vegetation - Shrubs, either native or planted, growing on back slopes must not be destroyed regardless of location, when it is obvious they are helping to control erosion on such slopes or which are known generally as native ornamental shrubs.

Use of Chemicals on Specimen Trees - Destroying specimen trees with the use of chemicals either native or planted, is prohibited, regardless of location. Trimming of such trees may be done by special permit, after proper inspection by the REDA.

**INDEMNITY** - The indemnity for this type of permit will be set by the Chief District

## **SAFETY:**

**SAFETY CONSIDERATIONS -** Traffic must be maintained at all times with as little interference as possible and every precaution must be taken for the public's safety. All traffic control must be in accordance with the Department of Highways' MUTCD.

### **MAINTENANCE:**

MAINTENANCE BY THE DEPARTMENT OF HIGHWAYS - The maintenance of vegetation within the Department's right-of-way will remain with the Department unless relinquished in accordance with this manual

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Chapter

### USE OF ROADSIDE CHEMICALS

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a permit to use roadside chemicals and the procedures that are followed when processing this type of application request.

# PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all use of chemical permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

**REDA** - The district REDA reviews all applications and discusses with applicants any pertinent information to locate areas as necessary. The district REDA will advise the District Permit Engineer of all requirements.

# APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1 (Completed)
- C. TC 99-6
- D. Other pertinent information, which may include deeds to verify adjacent ownership, as necessary.

**REQUIRED NUMBER OF COPIES** - Applications requiring Central Office review need seven (7) copies, with four (4) being sent to the Central Office.

PERMIT APPROVAL . . . p. 2

Page 1 of 2

PERMIT APPROVAL:

**CHIEF DISTRICT ENGINEER** - has the authority to approve or disapprove all applications for right-of-way eneroachment permits.

**DISTRIBUTION:** 

See Chapter PE-105-4

PERMITS	HIGHWAY ADVISORY RADIO		
	Subject		
	Policy and General Information		

Summary:

This subject discusses policies that regulate the permitting installation and operation of Highway Advisory Radio (HAR).

GENERAL INFORMATION:

**POLICY** - Under certain conditions, it is desirable to use methods other than signs to convey information to motorists. This chapter sets forth policies that regulate the permitting installation and operation of Highway Advisory Radio (HAR).

HIGHWAY ADVISORY RADIO (HAR):

**REQUIREMENTS** - HAR installations are Traffic Control Devices as defined by Part I of the Manual on Uniform Traffic Control Devices (MUTCD). As such, they are subject to the following:

- A. Signs informing motorists of HAR must conform to applicable policies, guidelines, and specifications used by the Department of Highways. All signs must be reflectorized in accordance with the Department's Standard Specifications for Road and Bridge Construction, latest edition.
- B. HAR installations are limited only to installations that provide pertinent roadway information to the motorists.
- C. Broadcasting of commercial messages is not allowed.
- D. Examples of proper HAR installation locations include: state parks; major commercial airports; construction zones.
- E. Examples of appropriate messages are: construction zone information; traffic conditions; detours and routing information.
- F. Only one sign per direction of travel will be permitted.

STATEMENT BY THE DEPARTMENT OF HIGHWAYS - The Department will specify the following: "Approval is given with the stipulation that the Department has the authority to revoke the permit, if at any time the HAR system fails to function in the required manner."

TYPES OF SYSTEMS . . . p. 2

# HIGHWAY ADVISORY RADIO (HAR) (Cont.):

### TYPES OF SYSTEMS -

"Leaky Cable" System - Leaky cable systems will not be allowed on fully controlled access facilities. Leaky cable systems cannot be installed in any median. On conventional roads, leaky cable must be installed at least ten feet outside the ditch line in cuts, and at least ten feet from the shoulder in fills.

"Antenna System" - Antenna systems with the antenna located off the state-owned right-of-way may be allowed.

**LIABILITY** - If the HAR hardware is damaged by Department personnel while engaged in normal maintenance operations, the **Department will not** be liable for this damage.

**CONTINUOUS OPERATION** - HAR installations must be in continuous operation 24 hours a day, seven days a week.

**INDEMNITY** - The indemnity amount required for the permit is one thousand dollars (\$1,000.00); except where panel signs are involved, the bond will be ten thousand dollars (\$10,000.00).

SIGNS - Signs advising motorists of the proper HAR frequency must be visible to motorists only when the particular HAR frequency is in operation. Signs will be furnished and installed by the Department at the permittee's expense. Signs must be 72" x 44" blue sheeting and say "VISITOR INFORMATION TUNE RADIO TO 530 or 1650 AM." If radio frequency is to be used for weather and highway traveler's advisories, panel signs may be considered. No other verbiage will be allowed.

**CONSTRUCTION ZONES -** Temporary HAR installations that are part of traffic management in construction zones must be specified in the Traffic Control Plan, and will not require a permit.

### **SAFETY:**

**SAFETY CONSIDERATIONS** - must be incorporated in the permit and be in accordance with the MUTCD and the Department's Standard Drawings, as applicable.

#### **MAINTENANCE:**

**PERMITTEE'S RESPONSIBILITY** - It is the permittee's responsibility to maintain the HAR installation in continuous operation. Failure to do so for more than a 24-hour period may result in the revocation of the permit.

**PERMITS** 

Chapter

### HIGHWAY ADVISORY RADIO

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a HAR permit and the procedures that are followed when processing this type of application request.

# PROCESSING RESPONSIBILITY:

**DISTRICT PERMIT ENGINEER** - The District Permit Engineer reviews and processes all HAR permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - will have his/her engineering staff review the proposal.

#### **CENTRAL OFFICE -**

- A. All HAR applications must be processed in the district up to the final signature by the Chief District Engineer, including assigning application numbers.
- B. These applications must be submitted to the Central Office Permits Branch with the District's recommendation.
- C. The Central Office Permits Branch will obtain recommendations from appropriate divisions, regardless of the project's phase.
- D. If the application contains features requiring consideration by any other Central Office areas, the Central Office Permits Branch will ensure that the appropriate people are contacted before proceeding.
- E. If recommended by the appropriate groups, the Central Office Permits Branch will submit the application for review by the Federal Highway Administration, Consultant Engineer or the Turnpike Authority, if applicable, for their opinion.
- F. If approval is recommended, the Central Office Permits Branch will retain one (1) copy and send remaining copies of the permit to the District Permit Engineer with a concurrence and with additional requirements, if any.

CENTRAL OFFICE (Cont.) . . . p. 2

# **PROCESSING** RESPONSIBILITY (Cont.):

## CENTRAL OFFICE (Cont.) -

- G. If disapproved, one (1) copy will be retained for Central Office Permits Branch files and remaining copies will be returned to the District Office for further action or final disapproval.
- H. All permit requests involving HAR must be filed with the Department's District Office for the county where the requested HAR broadcast area is located.

# APPLICATION **DOCUMENTATION:**

# MUST INCLUDE THE FOLLOWING (For All Systems) -

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1 (Completed)
- C. Roadway plan sheets must be prepared showing proposed HAR sign locations and existing sign locations.
- D. Copy of FCC broadcast license.

REQUIRED NUMBER OF COPIES - Applications requiring Central Office review need six (6) copies, with three (3) being sent to the Central Office Permits Branch.

#### PERMIT APPROVAL:

CENTRAL OFFICE - All permit requests concerning HAR must be submitted to the Permits Branch for review, with all documents except copy of broadcast license, before approval may be granted by the district office.

PRIOR APPROVAL - If the request complies with department requirements, it is in the applicant's best interest to obtain tentative prior approval of their HAR permit request. Tentative prior approval should be granted before the applicant approaches the Federal Communications Commission (FCC) for the purpose of obtaining a broadcast license. After review by the Permits Branch, the Chief District Engineer or the Permit Engineer will be advised to give prior tentative approval, and the applicant may proceed to obtain a broadcast license. After obtaining prior approval, and a copy of the broadcast license from the FCC has been provided to the Permits Branch by the Chief District Engineer, all but one (1) copy of the permit request must be returned to the district for final approval. Final approval will not be granted until all FCC and any other required licenses and/or approval have been obtained.

#### DISTRIBUTION:

See Chapter PE-105-4

	Chapter	
PERMITS	AIRSPACE	
	Subject	
	Policy and General Information	

Summary:

This subject discusses policies of the Transportation Cabinet that relate to airspace usage.

GENERAL INFORMATION:

POLICY - It is the Department's policy to permit joint usage of the right-of-way by utilizing airspace at the ground level and infinitely above or below the highway, if the permitted facility will not impair the full use and safety of the highway and if the occupants and/or contents of the facility can be protected from hazards resulting from accidents on the highway. At the ground level, airspace usage can be considered only if the property is not surplus to the needs of the Department. This policy will not affect existing utility policies and does not apply to utilities that serve the general public.

TYPES OF AIRSPACE PERMITS - Use of airspace at, above, or below the ground level may be allowed by a PERMIT AGREEMENT OR PERMIT LEASE. If the right-of-way was not acquired in fee simple, authorization for the use of the space must be by PERMIT AND AGREEMENT. The lease must state that the annual rental payments are made July 1, each year to:

Permits Section of the appropriate District Office, who then forwards it to the Division of Accounts with informational copies to the Central Office Permits Branch, Division of Property and Supply Services, and the Finance and Administration Cabinet.

See Chapter PE-1203, Step-12, G for further information.

compensation to the Department will be required when the permittee intends to use the space directly or indirectly for an income producing purpose, and the space to be used is at ground level. The Department, however, may require compensation, at its discretion, for airspace above or below the ground level. Compensation for the use of airspace may be required, only when the right-of-way has been acquired in fee simple.

FAIR MARKET VALUE FOR AIRSPACE . . . p. 2

# GENERAL INFORMATION (Cont.):

FAIR MARKET VALUE FOR AIRSPACE (By Lease) - The Central Office Permits Branch will obtain a valid "fair market value" for the use of the space from the Division of Right of Way and Utilities. In situations where the annual rental will be based on a rate of return on the appraised value, the rate will be 10%. This amount must be incorporated into the lease or agreement and must be subject to re-evaluation and re-negotiation at predetermined intervals which will be outlined in the lease or agreement.

**APPLICANT'S QUALIFICATION REQUIREMENTS -** Airspace usage applicants must use the following criteria to qualify to use "Airspace" on, over, or under the state's right-of-way:

- A. The applicant must own or be the lessee of the property adjoining the right-of-way that is intended to be used; or,
- B. The applicant is a governmental agency (City, County, or State); or,
- C. The applicant must be the successful bidder on the "Airspace" offered by the Department for lease to the high bidder. (Subject to Department's approval on the intended use by the applicant)

Exception - In "downtown" metropolitan areas the District may allow use of airspace in accordance with Department policy on a first comefirst serve basis.

**LEASING OR AIRSPACE BY BIDS** - The Division of Real Property's guidance manual contains provisions and procedures for establishing rental value for airspace by bids.

# CONDITIONS AND REQUIREMENTS:

**GENERAL REQUIREMENTS** - The following lists requirements that must be met before an airspace permit can be issued:

- A. The proposed facility can not restrict any horizontal or vertical clearance that can be anticipated for highway needs. It is desirable to have a 30' vertical clearance and a 30' horizontal clearance for the ultimate roadway section. In no case can the clearance be less than those specified in 23 CFR Section 713 Subpart B Management of Airspace.
- B. The proposed facility must have adequate clearance from all highway facilities that will provide room for inspection and maintenance. The permit must specifically authorize the Department to enter the leased premises for maintenance, inspection, or reconstruction when necessary.

GENERAL REQUIREMENTS (Cont.) . . . p. 3

# GENERAL REQUIREMENTS (Cont.) -

- C. In the event the owner of the facility occupying the airspace fails his maintenance obligations, provisions must be made for the Department to enter the premises to perform the neglected maintenance. The permittee is responsible for any costs associated with this maintenance.
- D. Any permitted facility's use of airspace must be aesthetically pleasing and be constructed with materials that will not quickly deteriorate or require a high level of maintenance.
- E. All on-premise signs and display devices that are visible to motorists must be approved by the Department.
- F. The applicant must indemnify and hold harmless the Department from any and all claims, causes of action, actions and demands of any kind or nature arising out of or in connection with the construction and maintenance of the facility using the air space.
- G. All plans developed after the approval of a permit must be submitted through proper channels to the State Highway Engineer for approval. This will be a condition of the permit. Any subsequent changes in the use, design, or ownership of the facility will be subject to the Department's approval.
- H. All uses of airspace over a highway facility must conform to the requirements of the Federal Aviation Agency and other state, federal, and local requirements.
- I. All applications for Airspace Leases & Agreements involving National Highway System require a categorical exclusion. (Form TC 99-28)
- J. Documentation must be provided that shows the requested right-ofway cannot be disposed of as surplus property.
- K. The lessee/permittee must waive any and all rights to any relocation benefits in case the airspace occupancy is terminated for any reason.
- L. If the proposed Airspace Usage is "at grade" or "beneath bridge" usage, the proposed facility is not a critical or integral part of the adjacent development as required by Federal, State, or local agencies having jurisdiction.
- M. If the proposed Airspace Usage is "at grade" or "beneath bridge" usage, the proposed facility will not become a critical or integral part of the adjacent development in such a way that the success of the development is dependent on the airspace usage.

SPECIFIC REQUIREMENTS . . . p. 4

# SPECIFIC REQUIREMENTS FOR VISUAL OR NOISE

**ABATEMENT SCREENING** - The establishment or erection on the right-of-way by adjacent property owners of trees, structures, earth berms or other appurtenances for the purpose of visual or noise screens or barriers are generally discouraged. However, if a request meets the requirements of preceding requirements A - H, and the following criteria, it may be considered for an airspace permit:

- A. Justification for using right-of-way instead of private property.
- B. The applicant understands that the Department may revoke the permit if standards change, if the Department needs the right-of-way for any reason, if a hazard becomes obvious, or for any other reason regardless of the written agreement.
- C. The Department will not be held liable for damages that might result in the revocation of the permit.
- D. The barrier must meet all existing federal, state, and local safety standards.
- E. The encroachment cannot be within the distance specified in the Federal Highway Administration Guide of Selecting and Locating Traffic Barriers.
- F. An encroachment will not be considered if it adversely impacts or alters drainage, maintenance, or safety.
- G. An encroachment will not be considered if it will be a visual pollutant or a hazard to roadway users.
- H. A noise barrier encroachment must provide documentation that noise is a problem and the barrier would provide a sufficient amount of screening to decrease the noise level.
- I. A noise barrier will not be permitted on, or partially on, the rightof-way for the screening of a salvage yard or any unsightly activity controlled by a governmental agency.
- J. The encroachment must be maintained from private property.

**INDEMNITY** - The minimum indemnity amount must be \$5,000. A larger amount can be set by the Chief District Engineer to guarantee payment by the permittee for Department administrative costs and proper completion of the permitted work (cash or bond). (See Chapter PE-1402 for additional information)

SAFETY REQUIREMENTS . . . p. 5

#### **SAFETY:**

**REQUIREMENTS** - Safety requirements for airspace encroachments are as follows:

- A. The facility that will occupy the airspace must be properly maintained in a way that will not unreasonably interfere with traffic. All structures and the area within the right-of-way must be kept in a safe and aesthetically pleasing condition.
- B. The proposed facility must conform to the most stringent specifications for fireproof construction. Proposals must be approved by the State Fire Marshal.
- C. Joint use facilities, including parking lots, cannot be used for maintenance or storage of any flammable, toxic, or explosive materials or any other materials that may be a potential fire or other hazard to the highway and highway users.
- D. The lighting of any overhead facility cannot produce a glare or distraction to highway users.
- E. The design of joint usage buildings intended for occupancy by large concentrations of people (schools, hospitals, hotels, auditoriums, etc.) must include provisions for rapid evacuation and must be constructed in a way that will provide maximum protection from extreme hazards resulting from highway accidents. These hazards include accidents which result in fires and explosions involving liquid fuels and industrial chemicals, or which result in the release of toxic or poisonous gases.
- F. The design of the joint use facility must include adequate screens or barriers that protect occupants from flying debris released during highway accidents, or protect highway users from drippings or discharges from overhead buildings. The design must insure that adequate ventilation is available for traffic volumes equal to the capacity of the highway.

#### **MAINTENANCE:**

**REQUIREMENTS** - The permittee must keep the facility in a high state of repair and prevent it from interfering with the Department's ability to perform necessary maintenance on all highway facilities.

Maintenance by the Department of Highways - The permitted facility must have adequate clearance from all highway facilities to provide room for inspection and maintenance. The agreement or lease must specifically authorize the Department to enter the leased premises for maintenance, inspection, or reconstruction when necessary.

MAINTENANCE BY THE PERMITTEE . . . p. 6

MAINTENANCE (Cont.):

# REQUIREMENTS (Cont.) -

Maintenance by the Permittee -The facility that will occupy the airspace must be properly maintained in a way that will not unreasonably interfere with traffic. All structures and the area within the right-of-way must be kept in a safe and aesthetically pleasing condition. In the event the owner of the facility occupying the airspace fails his maintenance obligations, provisions must be made for the Department to enter the premises to perform the neglected maintenance. The permittee is responsible for any costs associated with this maintenance. (See CFR, Section 713, Subpart B - Management of Airspace)

	Chapter
PERMITS	AIRSPACE
	Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for an airspace usage permit lease or agreement and the procedures that are followed when processing this type of application request.

GENERAL INFORMATION:

WHERE IS THE APPLICATION MADE? - Applications must be made at the district office responsible for the county where the permit is proposed. The application must include information on how and by whom the space will be developed and operated, the general design for the use of the space, including construction details, and any other information that is requested by the Department.

REIMBURSEMENT FOR ADMINISTRATIVE COSTS:

**DETERMINING AMOUNT** - Applicants for airspace usage are required to reimburse the Department for administrative expenses incurred in processing the application. A total estimated cost of \$1,200.00 should be adequate in most situations. If the completion of TC 99-28 indicates the need for further review by the Division of Environmental Analysis, the estimate should be increased to approximately \$2,000.00. This cost includes reviews and appraisals.

RECEIVING THE APPLICATION AND ASSIGNING PROJECT

**NUMBER** - When the District receives the application for airspace usage, the applicant and the Chief District Engineer must sign a copy of Form TC 99-22 (Agreement for Services to be Performed) and include it with the application package. This package is then forwarded to Central Office. A project number must be assigned for each application as follows:

ACCT - FE04
PREFIX - SF
COUNTY - 3-Digit County Code
ROUTE - 4-Digit Route Code
TERMINI - AL\_\_\_\_\_

The five blanks after "AL" in the Termini represent a five-digit sequential number beginning with "00001" in each district. When Form TC 99-22 is signed, the applicant must provide the required indemnity amount established by the District Engineer.

FINAL APPROVAL WITHHELD UNTIL... p. 2

# REIMBURSEMENT FOR ADMINISTRATIVE COSTS (Cont.):

## FINAL APPROVAL WITHHELD UNTIL PROCESSING

CHARGES PAID - All charges for permit processing, reviews, and appraisals for a lease request should be made to its project number. Once the lease is processed, the applicant must reimburse the Department for all charges made to the project number for their lease request before final approval is granted. All payments for processing lease agreements should be forwarded to the Central Office Permits Branch.

# PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer assembles all documentation, reviews information, and makes a recommendation for approval or disapproval on all lease requests to the Chief District Engineer. The District Permit Engineer must also handle all correspondence between the district and the Central Office Permits Branch. The Permits Engineer must complete Form TC 99-28 in accordance with Chapter PE-105-2 if the request is on the National Highway System.

CHIEF DISTRICT ENGINEER - The Chief District Engineer will have his/her engineering staff review the proposal for compliance with policy. If approved, the CDE will transmit four (4) copies of the application to the Central Office Permits Branch with a firm recommendation. If disapproved, the CDE will cite reasons for this decision and send one (1) copy of the entire file to the Central Office Permits Branch. They will advise the Deputy State Highway Engineer for Construction and Operations.

**DISTRICT ATTORNEY -** If the standard forms of Airspace agreements or leases are not suitable for the requested use, an appropriate document can be prepared by the District Attorney and given to the Permits Engineer. It should then be submitted, along with other documentation, to the Office of General Counsel for approval as to form and legality. If necessary, the document will then be returned to the District Attorney for changes. When the document is approved, the District Attorney will have no further involvement in the matter.

EXAMPLE SIGNATURE FORMAT FOR AGREEMENT OF LEASE . . . p. 3

# EXAMPLE SIGNATURE FORMAT FOR AGREEMENT OR LEASE

A)	Signature spaces must be shown in the agreement	ent or lease as follows:	
	APPROVED AS TO FORM AND LEG	GALITY	
	BY:OFFICE OF GENERAL COUNSEL		
	JOHN DOE CORPORATION, PERMI		
	TITLE:		
	APPROVED (OR RECOMMENDED	FOR APPROVAL)	
	BY:Commissioner of Highways Transportation Cabinet		
	(If Agreement and not on a	a Turnpike, stop here)	
В)	(RECOMMENDED FOR APPROVAL)		
•	BY:		
	Commissioner of Highways Transportation Cabinet		
	APPROVED: BY:		
	Chairman Kentucky Turnpike Authority		
•	(If Agreement or Lease and o	on a Turnpike, stop here)	
	(If Agreement or Lease and o		

## EXAMPLE SIGNATURE FORMAT FOR AGREEMENT OR LEASE (Cont.)

C) APPROVED	AS TO	FORM AND	LEGALITY:
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BY:	_
Finance & Administration Cabinet	
Legal Counsel	
APPROVED:	
Secretary	
Finance & Administration Cabinet	

PROCESSING RESPONSIBILITY:

**DIVISION OF RIGHT OF WAY AND UTILITIES** - If the airspace will be used by PERMIT AND LEASE, then the Division of Right of Way and Utilities will be responsible for determining the fair market value of the property to be leased.

CENTRAL OFFICE PERMITS BRANCH - responsible for coordinating approval of the Airspace Lease or Agreement with all appropriate Cabinet and Department division heads along with the Kentucky Turnpike Authority, if applicable.

# APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1
- C. Form TC 99-28
- D. Ownership Disclosure Statement Form TC 99-27
- E. Airspace Permit and Agreement or Airspace Permit and Lease
- F. Survey (plat) and legal description of the property.
- G. TC 99-22 Agreement for Services
- H. Applicant's plans.
- I. General Notes TC 99-21 (if applicable)
- J. Highway plans with the encroachment shown.
- K. 23 CFR, Section 713 Subpart B Management of Airspace
- L. Deeds (Highway)

REQUIRED COPIES . . . p. 5

# APPLICATION DOCUMENTATION (Cont.):

REQUIRED NUMBER OF COPIES - The applicant must furnish eight (8) complete sets of plans and necessary documents to the Permit Engineer. There will be only one original Air Space Lease or Agreement and Ownership Disclosure Statement for authorized signatures and the remaining sets of documentation will contain copies. After Central Office processing is complete, all but one set of the package is returned to the District

### PERMIT APPROVAL:

After all the necessary documents are completed, the following steps will be taken to review and approve or disapprove the Agreement or Lease (See Chapter PE-1203 for additional information)

**DISTRICT OFFICE** - The Chief District Engineer must have his/her engineering staff review the proposal for compliance with policy. Seven (7) sets of the application and documentation must be submitted to the Central Office Permits Branch with a firm recommendation.

**CENTRAL OFFICE PERMITS BRANCH** - Upon receipt, the Central Office Permits Branch will continue processing in accordance with the requirements in Chapter PE-1203.

**KENTUCKY TURNPIKE AUTHORITY** - If the Agreement or Lease is on a toll road, approval must be obtained from the Kentucky Turnpike Authority.

#### DISTRIBUTION:

See Chapter PE-105-4

## ANNUAL LEASE PAYMENT ROUTING:

**SEND THEM TO:** - All annual renewal rental payments on Airspace Permit Leases must be sent to the Central Office Division of Accounts. Copies of the transmittal memo and check should be sent at the same time to:

- A. Finance and Administration Cabinet
  Department for Facilities Management
  Division of Real Properties
  Property Utilization Section
  Capitol Annex Building
  Frankfort, KY 40601
- B. Transportation Cabinet
   Department of Highways, Central Office Permits Branch
   1st Floor, Room 109
   State Office Building
   Frankfort, KY 40622

ANNUAL LEASE PAYMENT ROUTING . . . p. 6

ANNUAL LEASE PAYMENT ROUTING (Cont.):

SEND THEM TO (Cont.): -

C. Transportation CabinetDivision of Property and Supply Services1219 Wilkinson Blvd.Frankfort, KY 40622

**\* \* \*** 

		Chapter
	PERMITS	AIRSPACE
		Subject
		Detailed Processing Procedures for Airspace Requests
Summary:	This subject describ	bes the detailed processing procedures for airspace
	permit lease or agre	
Step 1	ORIGINAL OWNERSHIP DISCL	Airspace Use Request, the District sends THE LOSURE STATEMENT AND A CATEGORICAL nal Highway System) to Central Office Permits Branch.
Step 2	(Materials, Maintenance, Design, Environmental Analysis-if necessar	ds plans and relevant documents to appropriate divisions Bridges, Property & Supply Services, Traffic, ry, or others as necessary) for technical review and r negative, a request is sent to the State Highway
Step 3	Reviews by the State Highway Eng	gineer (S.H.E.)
A)	•	E. (LEASE OR AGREEMENT) - Central Office Permits Branch and the request is
	A1) One (1) set filed i	n the Central Office Permits Branch.
	A2) Remaining sets re	eturned to the District Engineer.
·.	A3) District Engineer	advises the applicant of the denial.
B)	REQUEST Approved by the S Permits Branch and the proces	.H.E The package is returned to the Central Office s continues.
Step 4	and sends it to the State Highway and a drafted memo to the Federal Engineer asking for concurrence. OWNERSHIP DISCLOSURE ST	rmits Branch prepares a memo describing the request Engineer along with one (1) full set of documentation Highway Administration from the State Highway A draft copy of the LEASE OR AGREEMENT, THE ATEMENT, AND APPROVED CATEGORICAL he package to the Federal Highway Administration. The atral Office Permits Branch.
	Ste	p 5 p. 2
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	Step 5	documents and drawings is filed in the Central Office Permits Branch and remaining sets are returned to the District Engineer requesting that the applicant be informed that the request is denied.
	A)	If an agreement, and the response from the Federal Highway Administration is positive, then proceed to Step 6.
	B)	If a LEASE, and the Federal Highway Administration response is positive:
		B1) Central Office Permits Branch requests that the Division of Right of Way and Utilities or the applicant provide an appraisal of "fair market value" for the Airspace to be leased.
		B2) When the appraisal amount is approved by the Division of Right of Way and Utilities, that amount is factored by a standard factor to obtain the annual rental amount. The amount, along with the appraisal report, is sent to the Federal Highway Administration from the State Highway Engineer.
		B3) If the Federal Highway Administration agrees, proceed to Step 6.
	_Step 6	If the Federal Highway Administration's response is positive, the Central Office Permits Branch prepares ORIGINAL AGREEMENT and forwards to the Office of General Counsel for approval for "form and legality".
•	_Step 7	Office of General Counsel returns document to the Central Office Permits Branch.
•	Step 8	Central Office Permits Branch returns signed ORIGINAL AGREEMENT to District for applicant signature.
	_Step 9	District sends signed ORIGINAL AGREEMENT to the Central Office Permits Branch. AGREEMENT, proceed to Step 10. If LEASE, proceed to Step 11.
	Step 10	The AGREEMENT, along with supporting documentation, is submitted to the Commissioner through the State Highway Engineer. The AGREEMENT is signed by the Commissioner and the package is returned to the Central Office Permits.
	A)	One (1) set filed in the Central Office Permits Branch with ORIGINAL AGREEMENT.
	B)	Remaining sets to the District Engineer.
	C)	Copy of Memo to the District Engineer sent to the Division of Property and Supply Services.
	D)	District Engineer advises and provides the applicant two (2) sets of approved drawings, documents, and a copy of the AGREEMENT. (Processing Complete)
		Step 11 p. 3

 _ Step 11 Th	ne LEASE, along with supporting documentation, is submitted to the Commissioner rough the State Highway Engineer. The LEASE is signed by the Commissioner.
 _ Step 12 LE Br	EASE signed by Commissioner - The package is returned to the Central Office Permits ranch with ORIGINAL LEASE signed by Commissioner. (Recommended for Approval)
A)	Central Office Permits Branch sends one (1) package of request with ORIGINAL LEASE, OWNERSHIP DISCLOSURE STATEMENT AND APPRAISAL REPORT, through Director of Transportation's Division of Property & Supply Services, to Director of Finance and Administration's Division of Real Property, by drafted transmittal memo recommending approval.
B)	Finance and Administration prepares and executes an Official Order and returns the package with a copy of the Official Order, signed ORIGINAL LEASE and CLR (their inventory number) to the Director of Transportation's Division of Property & Supply Services.
C)	Transportation's Division of Property & Supply Services keeps one (1) copy of approved LEASE AND OWNERSHIP DISCLOSURE STATEMENT and sends the original with the package to the Central Office Permits Branch.
D)	Central Office Permits Branch obtains, from the Division of Accounts, a total of all administrative costs incurred in processing procedures.
E)	Central Office Permits Branch sends all but one (1) copy of request packages to the District Engineer, but retains the ORIGINAL LEASE AND OWNERSHIP DISCLOSURE STATEMENT for their file. The transmittal memo will include a statement of Administrative costs due the Department from the applicant.
F)	District Engineer collects payment for Department Administrative Costs in the form of a Certified Check payable to the Kentucky State Treasurer and submits it to the Central Office Permits Branch. They will forward the check to the Division of Accounts.
G)	District Engineer collects a second Certified Check payable to the Kentucky State Treasurer and submits it to the Central Office Permits Branch which forwards it to the Division of Accounts. This second check is payment for the prorated annual rent due through June of the first year. All following annual rent is due no later than July 1 each year and must be submitted by the permittee directly to the appropriate district office. The transmittal memo and check must be sent to the Transportation Cabinet, Division of Accounts, 501 High Street, Frankfort, Kentucky 40622. Copies of the transmittal memo and check should be sent to:
	<ol> <li>Finance and Administration Cabinet         Department for Facilities Management         Division of Real Properties         Property Utilization Section         403 Wapping Street         3rd Floor, Bush Building         Frankfort, KY 40601     </li> </ol>
	Step 12 (Cont.) p. 4

### \_\_\_\_ Step 12 LEASE signed by Commissioner (Cont.) -

- Transportation Cabinet
   Department of Highways, Central Office Permits Branch
   High Street
   1st Floor, State Office Building
   Frankfort, KY 40622
- Transportation Cabinet
   Division of Property & Supply Services
   1219 Wilkinson Blvd
   Frankfort, KY 40622
- H) District Engineer signs TC 99-1 approving the Airspace Permit and provides the permittee two (2) sets of all drawings, documents, and LEASE. Copies of the approval letter must be provided to the Central Office Permits Branch and the Director of Transportation's Division of Property & Supply Services. (Processing is Complete)

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Chapter

PONDING OF WATER ON RIGHT-OF-WAY

Subject

Policy and General Information

Summary:

This subject discusses policies of the Transportation Cabinet that address the issue of ponding of water on the highway right-of-way.

GENERAL INFORMATION:

POLICY - The Department will allow infrequent, temporary flooding of the highway right-of-way by Water Conservatory Districts and other governmental agencies, when it is determined by the engineering staff that such flooding will not affect the flow of vehicular traffic or threaten the integrity of the roadway facility. The water can not inundate the roadway or impede the safe and convenient flow of traffic. The flooding must also be in the best interest of the Commonwealth. Ponding of water on the right-of-way by others is not permitted.

# CONDITIONS AND REQUIREMENTS:

**INCLUDE** - Agencies proposing infrequent, temporary flooding of the right-of-way must provide, but not necessarily be limited to, the information requested on Ponding Encroachment Specifications & Conditions form TC 99-3 as follows:

- A. Location of dam.
- B. List of US and KY routes showing the locations affected.
- C. Frequency of flooding of the right-of-way.
- D. Duration of flooding in hours.
- E. Maximum rate of draw down in feet per day.
- F. Dam design data.
- G. USGS Topographical maps, roadway alignment and profile sheet, contour surveys, etc., showing maximum elevation of flooding in relation to roadway grade and original ground.

**INDEMNITY** - The indemnity amount required for the permit will be determined by the Chief District Engineer.

#### SAFETY:

SAFETY CONSIDERATIONS - must be incorporated in the permit, and must be in accordance with the permit and the MUTCD.

MAINTENANCE . . . p. 2

#### **MAINTENANCE:**

MAINTENANCE CONSIDERATIONS - The permittee must maintain non-highway facilities authorized by permit on the right-of-way such as, but not limited to, rip-rap and erosion control vegetation. In order to preserve the integrity of the highway and to insure against failure, the permit must provide the Cabinet with the right, without liability for interrupted usage of water service, to temporarily lower the pool stage for repairs. If repairs are impossible and the continued use of the highway facility is threatened, then the Cabinet must have the right to permanently drain the lake without liability to the water users.

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Chapter

PONDING OF WATER ON RIGHT-OF-WAY

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a permit that will allow ponding of water on the right-of-way and the procedures that are followed when processing this type of application request.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer assembles the permit documentation, reviews the applicant's request, and makes a recommendation to the Chief District Engineer for approval or disapproval. The District Permit Engineer is also responsible for all correspondence between the District and Central Office Permits Branch.

CHIEF DISTRICT ENGINEER - The Chief District Engineer will have his engineering staff review the proposal for compliance with policy and make a firm recommendation to the Central Office Permits Branch for approval or disapproval.

**CENTRAL OFFICE** - The Central Office Permits Branch coordinates review of the application by all appropriate Cabinet divisions and approval, if necessary, of the Federal Highway Administration or the Kentucky Turnpike Authority.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1
- C. Ponding Encroachment Form TC 99-3
- D. Applicant's Plans showing the total area of right-of-way to be flooded
- E. Cross sections showing the maximum depth on right-of-way
- F. Highway plan and profile sheets, if available.
- G. Information from the Department's drainage folders, if available.

REQUIRED COPIES . . . p. 2

### APPLICATION **DOCUMENTATION** (Cont.):

REQUIRED NUMBER OF COPIES (TC 99-1) - Applications requiring Central Office review need seven (7) copies, with four (4) being sent to the Central Office.

#### PERMIT APPROVAL:

**OFFICIAL ORDER -** The Secretary of Transportation will approve the flooding of highway right-of-way by official order. The Central Office Permits Branch is responsible for preparing the official order, which sets forth all provisions of the permit.

DISTRICT OFFICE - The District Office must submit four (4) copies of the proposal to the Central Office Permits Branch with a recommendation for approval or disapproval.

#### **CENTRAL OFFICE -**

- A. The Central Office Permits Branch will transmit all documents to the Division of Materials, Division of Operations, and the drainage section of the Division of Highway Design for their concurrence.
- B. If applicable, the proposal will be forwarded to the Federal Highway Administration, the Natural Resources and Environmental Protection Cabinet, or the Turnpike Authority for their concurrence
- C. The Central Office Permits Branch will prepare the official order and submit it to the Secretary of Transportation for his signature.
- D. The Central Office Permits Branch will return a copy of the official order to the District Office. They will also return copies of the approved proposal or copies of the disapproved proposal. They will retain one (1) copy of each for their files.

#### DISTRIBUTION:

See Chapter PE-105-4

Chapter

#### GEOPHYSICAL SURVEYS

Subject

Policy and General Information

Summary:

This subject discusses policies of the Transportation Cabinet that relate to geophysical surveys.

GENERAL INFORMATION:

**POLICY** - Excluding interstate routes and routes with 19,000 ADT and above, it is the Department's policy to permit geophysical surveys for underground natural resources if the permitted survey is conducted in a way that will not impair the use and safety of the highway as described below.

## CONDITIONS AND REQUIREMENTS:

#### **INCLUDE -**

- A. In addition to any indemnity requirements, an applicant for a geophysical survey permit must provide a copy of liability insurance to accompany the application.
- B. This statement must be included in the letter of approval to the applicant: "If your crews are working at anytime in the absence of adequate safety devices, this authority is automatically void without prior written notice to you from our office."

**INDEMNITY** - The indemnity will be a minimum of \$500 per mile or a fraction thereof, or as determined by the Chief District Engineer.

#### **SAFETY:**

**SAFETY CONSIDERATIONS** - The Department, while not an insurer, has a professional obligation to maintain the roadway as safely as possible. Certain restrictions are imposed, which govern the scope of the survey. They include, but are not limited to, the following:

- A. Traffic Control Devices The permittee is responsible to furnish and erect traffic warning signs, flashers, etc., to meet the minimum specifications, as indicated in the Manual of Uniform Traffic Control Devices (MUTCD).
- B. Safe Flow of Traffic Maintained The company must have a sufficient number of flag personnel to assist motorists through the area of study. The safe and convenient flow of traffic must be maintained at all times. Flag personnel must wear suitable apparel, including vests and flags, that identify them as such.

#### **SAFETY** (Cont.):

#### SAFETY CONSIDERATIONS (Cont.) -

- C. Flag Personnel The standard signing sequence and the proposed positioning of the flag personnel should be a flexible arrangement. This is due to the fluctuating terrain and varying roadway conditions. Personnel assigned to safety duties must be physically and mentally alert. They should be competent, capable of reacting quickly, and use good judgement.
- D. Flag Personnel Communication There must be uninterrupted communication between the personnel responsible for directing traffic. It is imperative that they have a direct line of communication so highway safety is preserved. Therefore, each person must have contact with all others, and no person should be isolated from another.
- E. Operating Restrictions There are limitations on the time and days a survey may be made. This is limited to daylight hours on Monday through Friday during off-peak traffic hours. In resort and recreation areas the off-peak period may occur at various times. Generally, the time is between 9:00 a.m. and 2:00 p.m. Other operating restrictions are:
  - 1. The survey must be halted during inclement weather conditions and in the presence of rain, fog, or at any time visibility is limited.
  - 2. This type of survey is usually done during the Department's peak season for construction and maintenance operations. Permitted survey operations will cease if they conflict with the Department's schedules of operation.
- F. Blasting Blasting procedures can not occur within 500 feet of any roadway structure or in areas where residents may object due to possible damage to their water supply or personal property.
- G. Documentation Readily Available The applicant's party chief must have a copy of the letter of approval, safety diagram, and other pertinent data in his possession at all times the survey is in process. These documents must be available to the survey crew anytime they are occupying any portion of the state-maintained highways.

#### **MAINTENANCE:**

**DURING THE SURVEY** - The permittee must maintain safe traffic flow as specifically described and required above.

AFTER THE SURVEY . . . p. 3

#### MAINTENANCE (Cont.):

AFTER THE SURVEY - Immediately after completion of the survey, permit personnel will inspect the survey routes to determine that they have been conducted in accordance with the requirements of the approved permit, and that the right-of-way has been satisfactorily restored. Permit personnel must also determine, by frequent inspection, that no aspect of the survey has created an unnecessary hazard to highway traffic and the effectiveness of existing highway facilities has not been unduly affected. Any highway features that must be repaired as a result of the permitted work, must be done by the permittee after completion of the work and prior to release of indemnity or liability insurance.

Chapter

#### GEOPHYSICAL SURVEYS

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a geophysical survey permit and the procedures that are followed when processing this type of application request.

GENERAL INFORMATION:

WHERE IS THE APPLICATION MADE? - Applications for geophysical survey permits must be made at the district office responsible for the county where the survey is proposed. Applications for these permits must be made in the name of the firm, individual, or governmental agency that will perform the survey and must be signed by a representative whose signature is legally binding on the applicant.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all geophysical permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - The C.D.E. is responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision on the applications approval or disapproval. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING:

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1
- C. County maps showing the proposed survey route (s) in red.

APPLICATION DOCUMENTATION (Cont.) . . . p. 2

# APPLICATION DOCUMENTATION (Cont.):

#### MUST INCLUDE THE FOLLOWING (Cont.):

- D. Letter of intent from applicant listing safety precautions and other requirements shown in chapter PE-1401.
- E. Diagram of boring depth and frequency (if applicable).
- F. Intensity of explosive charge to be used (if applicable).
- G. Copy of liability insurance records.

# REQUIRED NUMBER OF COPIES FOR GEOPHYSICAL SURVEY PERMIT APPLICATION - The applicant must furnish four (4) copies of the required documentation to the District Permit Engineer.

#### PERMIT APPROVAL:

CHIEF DISTRICT ENGINEER - The Chief District Engineer has the authority to approve or disapprove all applications for right-of-way encroachment permits.

#### DISTRIBUTION:

**DISTRICT OFFICE** - After the Chief District Engineer signs the application it becomes a permit and the District Office should have four (4) copies distributed as follows:

- A. Two (2) copies of the permit must be sent to the applicant with the following statements in the approval letter: "If your crews are working at anytime in the absence of adequate safety devices, this authority is automatically void without prior written notice to you from our office." One (1) copy is provided to the person in charge of the permitted work and must be in his possession at the work site. "Failure to have the permit at the work site could result in cancellation of the permit by the Department of Highways."
- B. One (1) copy for the Permit Engineer's file.
- C. One (1) copy for the appropriate functional office.

#### OTHER DEPARTMENT OF HIGHWAY PERSONNEL -

Advertisement of the approved permit to any other Department of Highways personnel can be accomplished by copy of the letter of approval.

**\*\*** 

Chapter

#### TREATED SEWAGE EFFLUENT

Subject

Policy and General Information

Summary:

This subject discusses the Cabinet's policy on how to handle treated sewage effluent.

GENERAL INFORMATION:

**POLICY** - When there is no alternate way of disposal, the Department will consider applications for permits to allow treated effluent to flow through highway drainage facilities on roadways except interstates, parkways, and other partially controlled access facilities.

CONDITIONS AND REQUIREMENTS:

**REQUIRED CERTIFICATION** - This type permit requires a substantial amount of certification and supporting data including, but not limited to the following:

- A. There must be adequate proof by the applicant showing that there is no other feasible means of disposing of this water,
- B. There must be a determination that the Department's drainage facilities are adequate to accommodate the additional flow;
- C. There must be adequate evidence by the applicant showing that his disposal, treatment, and filtering systems have been fully approved by the affected Health and Pollution Control agencies at both the local and state levels. If the effluent discharge enters a navigable stream or lake, prior approval of the Army Corps of Engineers is also required;
- D. The applicant must agree in writing to terminate this method of disposal within a reasonable time following the availability of other disposal means;
- E. In the event that the effluent will flow across frontages of other property, the applicant must obtain a release from the owners of the frontage properties, or obtain their signatures on the back of the application, (TC 99-1, Item 3),
- F. Exceptions to this policy must be recommended by the central office.

STATEMENT BY THE DEPARTMENT OF HIGHWAYS . . . . p. 2

# CONDITIONS AND REQUIREMENTS (Cont.):

STATEMENT BY THE DEPARTMENT OF HIGHWAYS - The Department will specify the following: "Approval is given with the stipulation that the Department has the authority to revoke the permit, if at any time the system fails to function in the required manner."

**PAVED DITCH MAY BE REQUIRED** - The Department may require ditch paving by the applicant according to Department specifications to ensure adequate flow.

**DRAINAGE CALCULATIONS** - A check of the drainage calculations (above, under CERTIFICATION REQUIRED, B.) must be performed and certified by a Department drainage specialist and made a part of the file copies.

**INDEMNITY** - The indemnity amount for the permit will be determined by the Chief District Engineer and may be held perpetually, if deemed necessary.

#### SAFETY:

**SAFETY CONSIDERATIONS** - must be incorporated in the permit and be in accordance with the MUTCD, if applicable.

#### **MAINTENANCE:**

**PERMITTEE'S RESPONSIBILITY** - During the period that treated sewage effluent is permitted to flow through highway drainage facilities, it will be the permittee's responsibility to maintain the disposal, treatment, and filtering system to ensure proper functioning. In the event of failure of the system, the Department will revoke the permit.

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Chapter

### TREATED SEWAGE EFFLUENT

Subject

Application Documentation and Processing
Procedures

Summary:

This subject details the documentation necessary when applying for a treated sewage effluent permit and the procedures that are followed when processing this type of application request.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all treated sewage effluent permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision as to the approval or disapproval of the application. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING -

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1
- C. Applicant's plans
- D. All approvals as specified in Chapter PE-1501.

**ADDITIONAL INFORMATION** - Highway plan and profile sheets, cross section sheets, and information from drainage folders should also be included, if available.

**REQUIRED NUMBER OF COPIES** -The applicant must furnish four (4) sets of the required documentation to the Permit Engineer.

PERMIT APPROVAL . . . p. 2

### PERMIT APPROVAL:

CHIEF DISTRICT ENGINEER - has the authority to approve or disapprove all applications for treated sewage effluent encroachment permits.

#### **DISTRIBUTION:**

See Chapter PE-105-4

**\*\*** 

	Chapter
PERMITS	GARBAGE CONTAINERS
	Subject
	Policy and General Information

**Summary:** 

This subject discusses the Cabinet's policy on garbage containers that are located within the right-of-way of state-maintained routes.

GENERAL INFORMATION:

**POLICY** - On roads where there is no limited access, the Department may issue permits to county and city governments for garbage container locations within the right-of-way of state-maintained routes. A permit for each garbage container location is required when access to the container is from a state-maintained road, even if it will be located outside the right-of-way limits. The container locations must be reviewed by Department personnel before a permit is issued.

## CONDITIONS AND REQUIREMENTS:

PERMITTEE RESPONSIBILITY - The permittee must, as a provision of the permit, accept the responsibility for keeping all the area, both within and outside the right-of-way clean and free of litter or garbage and free of obnoxious odors. The permittee must agree to provide garbage pickup often enough to prevent garbage or litter from accumulating outside the container. Failure to meet these provisions will be grounds for revocation of the permit 24 hours after receipt of written notice from the Department to the permittee. The Department will proceed with removal of the container as outlined in this manual

CONSTRUCTION AND MAINTENANCE OF PULL-OFFS TO GARBAGE CONTAINERS - The Department will, at its expense, construct and maintain traffic bound pull-offs within the limits of the right-of-way to garbage containers allowed by permit. Any portion of the pull-offs or servicing area outside right-of-way limits must be maintained by the permittee.

LEGAL CONSIDERATIONS - Failure of the permittee to remove a garbage container within 24 hours after the access permit is revoked will result in removal of the container by Department forces, if the container or any part of it is within the right-of-way limits. If the container is beyond the right-of-way limits, the access will be removed or blocked within the right-of-way limits. In all cases, Department forces will clean the right-of-way of litter and leave the right-of-way in a neat condition following revocation of a permit.

INDEMNITY . . . p. 2

CONDITIONS AND REQUIREMENTS (Cont.):

**INDEMNITY** - The indemnity amount for the permit will be determined by the Chief District Engineer.

#### **SAFETY:**

SAFETY CONSIDERATIONS - When containers are permitted on the right-of-way, they must be located outside the minimum required clear zone as determined in accordance with the AASHTO Guides for Selecting, Locating, and Designing Traffic Barriers (latest edition). The garbage container must be located so that no part of the servicing vehicle is within five feet (1.5m) of any traffic lane while the garbage is being picked up.

#### **MAINTENANCE:**

**DEPARTMENT'S RESPONSIBILITY** - If the permit is approved, construction and maintenance of traffic bound pull-offs within the right-of-way will be accomplished by the Department and be the responsibility of the Operations Engineer. Failure by the permittee to keep the premises and adjoining areas free of litter resulting from the issuance of this type permit will be grounds for immediate cancellation of the permit. Any expense incurred by the Department will be charged to the permittee. This will be a condition of the permit when issued.

**PERMITTEE'S RESPONSIBILITY** - The permittee must, as a provision of the permit, accept the responsibility for keeping all the area, both within and outside the right-of-way, clean and free of litter or garbage and free of obnoxious odors. The permittee must agree to provide garbage pickup often enough to prevent garbage or litter from accumulating outside the container.

Chapter

#### GARBAGE CONTAINERS

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a garbage container permit and the procedures that are followed when processing this type of application request.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all garbage container permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision as to the approval or disapproval of the application. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING -

- A. Vicinity Map
- B. Encroachment Permit Form TC 99-1
- C. Applicant's plans

**REQUIRED NUMBER OF COPIES** -The applicant must furnish four (4) sets of the required documentation to the Permit Engineer.

#### PERMIT APPROVAL:

CHIEF DISTRICT ENGINEER - has the authority to approve or disapprove all applications for treated sewage effluent encroachment permits.

#### **DISTRIBUTION:**

See Chapter PE-105-4

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	Chapter
PERMITS	TRANSIT SHELTERS
	Subject
	Policy and General Information

Summary:

This subject discusses the Cabinet's policy on permitting transit shelters that will be located within the right-of-way of state-maintained routes.

GENERAL INFORMATION:

**POLICY** - Except where the right-of-way has been obtained with full or partial access control, the Department may permit the construction and maintenance of transit shelters or information booths at appropriate locations on the right-of-way, when approved by a permit issued in accordance with standard permit procedures described in this manual.

CONDITIONS AND REQUIREMENTS:

#### **INCLUDE -**

- A. Construction of the structure should be off the right-of-way, if at all possible.
- B. Construction of the structure should be at the most safe location. Consideration must be given to existing and potential vehicular pull-offs in choosing the best location to accomplish Department objectives.
- C. Following issuance of such a permit, the district must provide sufficient inspection to ensure that any building not in use or not satisfactorily maintained, is removed by the permittee. Procedures set out for revocation of permit and removal of encroachment (see 99-01.0840) are to be followed.
- D. The maintenance operations or road functions must not be impaired.
- E. The construction materials and protection coatings of the shelter should not be garish or unsightly, and the proposed building will not impair the beauty of the roadside.
- F. Any expense for initial construction or improvement of a pull-off, in connection with a shelter or booth, will be borne entirely by the permittee, but the Department will perform necessary minimal maintenance thereafter.

INDEMNITY ... p. 2

CONDITIONS AND REQUIREMENTS (Cont.):

**INDEMNITY** - The indemnity amount for the permit will be determined by the Chief District Engineer.

SAFETY:

**SIGHT DISTANCE** - Safety cannot be impaired by restriction of sight distance or interference to traffic or pedestrian movement.

CLEARANCE AND PAVING - Mass Transit Shelter structures to be located on sidewalks will not be permitted, if they would prevent the safe movement of pedestrians and handicap vehicles, such as wheelchairs. At locations which can accommodate additional sidewalk paving (such paving must be continuous with the existing sidewalk for a distance which will facilitate the safe maneuvering of a handicap vehicle) this prohibition may be waived and additional sidewalk construction will be at the expense of the applicant and conform to Department specifications. A minimum paved clearance of 34 inches must be maintained between the structure and any other obstruction.

ALLOWABLE NUMBER OF SHELTERS - Limitations to the frequency and number of transit shelters along all state-maintained routes will be imposed by the Chief District Engineer. Documentation must be shown that justifies the placement of a specific number of shelters permitted. Safety of traffic will be directly affected by the number of shelters permitted and will be the key element in determining the number allowable.

#### MAINTENANCE:

**PERMITTEE'S RESPONSIBILITY** - The permittee must maintain the building in a way that enhances the beauty of the roadside and, if it becomes unsightly or garish, the Department may remove the building and entrance and revoke the permit. The expense for such removal will be recovered from the permittee.

2 of 2

Chapter

#### TRANSIT SHELTERS

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a transit shelter permit and the procedures that are followed when processing this type of application request.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all transit shelter permit applications. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision as to the approval or disapproval of the application. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING -

- A. Vicinity Map
- B. Encroachment Permit Form, TC 99-1, with the abutting property owner(s) signature under item no. 3 on the back.
- C. Mass Transit Shelter Specifications and Conditions, Form TC 99-23.
- D. A sketch or scaled drawing showing pertinent dimensions and distances.

**REQUIRED NUMBER OF COPIES** -The applicant must furnish four (4) sets of the required documentation to the Permit Engineer.

#### **PERMIT APPROVAL:**

CHIEF DISTRICT ENGINEER - has the authority to approve or disapprove all applications for transit shelter permits.

DISTRIBUTION:

See Chapter PE-105-4

Chapter

FAIRS, PARADES, FESTIVALS, BANNERS, AND "WELCOME" SIGNS

Subject

Policy and General Information

Summary:

This subject discusses the Cabinet's policy on permitting of fairs, parades, festivals, banners, and "welcome" signs.

GENERAL INFORMATION:

**POLICY** - Chief District Engineers may permit the temporary closing of streets on the State Highway System for fairs, parades, festivals, etc., if conducted or sponsored by nonprofit or governmental groups. This does not apply to Interstate or Partially Controlled Access Facilities. Chief District Engineers may also permit the erection of signs advertising fairs, parades, and festivals within the 660 foot control area on national highway system, except fully controlled access facilities.

"Welcome to City or County" type signs - will be allowed on the right-of-way except fully controlled access mainline and ramps. For the purposes of this policy the end of the ramp right-of-way is considered to be the line drawn perpendicular to the crossroad at the point where the ramp right-of-way generally becomes parallel to the crossroad. Fully controlled access routes must conform with 603 KAR 3:080. The sign must be erected by a local government unit which welcomes a traveler to the particular city or county. Only one (1) sign may be erected in each direction of travel on any route. "Welcome to City or County" sign encroachments on routes other than Interstate will be permitted within the right-of-way only as follows:

- Maximum size of 200 square feet;
- Must have a clear zone that meets Department of Highways' approval;
- Must be located at or near the city or county limits;
- Limited to one (1) sign erected facing any one (1) direction of travel; and,
- An encroachment permit for the sign must be obtained from the appropriate district office.
- The sign legend shall be restricted to a simple welcoming message such as "Welcome to (city/county)" without flamboyant descriptive words. Recognition of awards presented to a city or county by a state or national organization may be displayed immediately adjacent to the Welcome sign on separate posts or incorporated into the sign with approval from the Cabinet.

#### **GENERAL**

**INFORMATION (Cont.):** 

The applicant assumes all responsibility including clean up, maintenance, and returning the right-of-way to its original condition.

### CONDITIONS AND REQUIREMENTS:

**SPECIFICS** - Sponsors must provide the district proof that local governing bodies and law enforcement agencies have given their approval. The following lists specific requirements for various items:

Banners - Overhead advertising across streets on the State Highway System will be allowed only if advertising public or charity events, and if they will not obstruct traffic signs and signals. Each installation must be inspected and approved by the Chief District Engineer or his/her designated representative. Political campaign and private advertising is not permitted. No banners can be erected sooner than ten days prior to the event, and they must be removed within 4 hours after, Sunday excluded. Failure to comply with these requirements will be reason for denial of future requests.

Signs - Signs advertising fairs, parades, and festivals must not obstruct official signs and signals. Signs may be erected 30 days prior to and must be removed within 24 hours after the close of the event, Sunday excluded. The erection of this type of sign for a period of more than 30 days will require the issuance of a permit in compliance with the provisions of this manual.

**INDEMNITY** - The indemnity will be in accordance with Chapter PE-106 of this manual except that indemnity may be waived by the Chief District Engineer, if the applicant's past performance indicates responsibility for litter clean-up, observance of permit requirements, safety criteria, and general concern for the roadway facility.

#### **SAFETY:**

TRAFFIC CONTROL - Through a cooperative evaluation by traffic engineers, police, and fire officials, the Chief District Engineer must be assured that adequate, safe, and well marked or directed detours are continuously available for through traffic, fire apparatus, ambulances, funerals, and other necessary movements. City officials must agree to be prepared to disperse parade participants for emergency vehicles if the main thoroughfare is the only parade route.

**CROWD CONTROL** - Sufficient uniformed law enforcement officers must be available to provide public safety.

"WELCOME TO CITY OR COUNTY" SIGNS - These signs must have a clear zone that meets Department approval.

MAINTENANCE . . . p. 3

#### **MAINTENANCE:**

FAIRS, PARADES, FESTIVALS, AND BANNERS - It is the responsibility of the permittee to exercise concern for the roadway facility, signs, and plantings. In accordance with the permit, the permittee must thoroughly clean-up litter within 48 hours of the event.

"WELCOME TO CITY OR COUNTY" SIGNS - The permittee is responsible for maintaining the signs in a clean and well kept manner. If the sign becomes unsightly, needs painting, or is in disrepair, the Department will give a 30-day notice to the permittee in writing (TC 99-14). If appropriate action is not taken by the permittee within the 30-day period, the Department may remove the sign without further notice.

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Chapter

FAIRS, PARADES, FESTIVAL, BANNERS, AND "WELCOME" SIGNS

Subject

Application Documentation and Processing
Procedures

Summary:

This subject details the documentation necessary when applying for a permit for fairs, parades, festivals, banners, and "welcome" signs and the procedures that are followed when processing these types of application requests.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all permit applications for fairs, parades, festivals, banners, and "Welcome to City or County" signs. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision as to the approval or disapproval of the application. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING -

- A. Vicinity Map
- B. Encroachment Permit Form, TC 99-1 (Completed)
- C. Fairs, Parades, etc. Statement in the permit indicating:
  - 1. Exact notice of all activities, signs, and banners involving right-of-way.
  - 2. Dates of Activities
  - 3. Dates of installation of signs, banners, etc.
  - 4. Dates of removal of signs, banners, etc.
  - 5. Thorough litter clean-up required within 48 hours after the event.
    - D. "Welcome to City or County" Signs . . . p. 2

# APPLICATION DOCUMENTATION (Cont.):

#### MUST INCLUDE THE FOLLOWING (Cont.) -

- D. "Welcome to City or County" sign requests must be made by a city or county official and accompanied by drawings reflecting:
  - 1. Right-of-way width
  - 2. Roadway shoulders and ditch line widths
  - 3. Roadway pavement width
  - 4. Color, location and dimensions of sign(s)
  - 5. Highway plan sheets if available

**REQUIRED NUMBER OF COPIES** -The applicant must furnish five (5) sets of all documents and drawings to the Permit Engineer.

#### PERMIT APPROVAL:

CHIEF DISTRICT ENGINEER - has the authority to approve or disapprove all applications for fairs, parades, festivals, banners, and "Welcome to City or County" signs.

#### **DISTRIBUTION:**

See Chapter PE-105-4

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Chapter

### DISPENSE REFRESHMENTS ON HOLIDAYS

Subject

Policy and General Information

Summary:

This subject discusses the Cabinet's policy on dispensing refreshments on state-maintained roadways.

GENERAL INFORMATION:

POLICY - The Department frequently is approached by nonprofit organizations asking for permission to dispense refreshments (coffee, doughnuts, soft drinks, etc.) on holiday periods. The Department recognizes that a short rest period for weary travelers can be a good approach to safety during the peak traffic associated with holiday periods. Permits for such activities may be issued subject to the conditions set out in this policy. The permit criteria and approval will be separated into two types, namely the interstate system and the remainder of the state system of roads.

## CONDITIONS AND REQUIREMENTS:

**CATEGORIES** - These requests are separated into two categories:

#### All Roads -

- 1. Permits may be issued to nonprofit organizations only. The application must be made by an officer of the organization.
- 2. The service must be absolutely free.
- 3. The applicant must provide responsible adult supervision and must agree to remove all litter resulting from the activity.
- 4. The organization will be liable for all damage and activities of the organization or its representatives, including bodily injury, death, or property damage.
- 5. Improper or unsatisfactory performance on prior permits is sufficient grounds for denial of a permit.

Interstate System - On fully controlled access projects, these holiday activities will be limited to the safety rest areas only. Truck weigh stations will not be utilized for this activity. The following requirements will apply:

1. No sign or other means of notification can be placed by the organization on the main traveled way or on the ramps leading to the rest area.

# CONDITIONS AND REQUIREMENTS (Cont.):

#### CATEGORIES (Cont.) -

#### Interstate System (Cont.) -

- 2. The organization will be allowed to place one sign not to exceed 2' x 3' in the area of service. The message and location of the sign will be designated and approved by the Chief District Engineer. Identifying badges or emblems may be worn by the serving attendants.
- 3. The service must be provided outside of the restroom building, and cannot interfere with normal flow of pedestrian or vehicular traffic in the rest area.
- 4. Use of a portable or mobile service facility may be authorized. These facilities must be parked only in the area designated by the Chief District Engineer.
- 5. The designated service area must be policed, at all times, by the applicant for litter and other articles caused by the service. The litter must be removed from the premises by the applicant.
- 6. A copy of the permit must be available at the service area.
- 7. Issuance of the permit conveys the right to use electricity, water, or other available utilities, at no charge, subject to such quantity and location limitations, as may be prescribed by the Chief District Engineer to protect the basic rest area usage requirements.
- 8. Only rest areas that employ full-time attendants will be utilized.

**INDEMNITY** - The indemnity will be in accordance with Chapter PE-106 of this manual except that indemnity may be waived by the Chief District Engineer, if the applicant's past performance indicates responsibility for litter clean-up, observance of permit requirements, safety criteria, and general concern for the roadway facility.

#### SAFETY:

**SAFETY CONSIDERATIONS** - The activity cannot be performed at any location that will create traffic hazards due to exit capacity, sight distance obstruction, etc.

#### **MAINTENANCE:**

**PERMITTEE'S RESPONSIBILITY** - It is the permittee's responsibility for litter clean-up, observance of permit requirements, safety criteria, and general concern for the roadway facility.

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Chapter

### DISPENSE REFRESHMENTS ON HOLIDAYS

Subject

Application Documentation and Processing Procedures

Summary:

This subject details the documentation necessary when applying for a permit to dispense refreshments on state-maintained roadways and the procedures that are followed when processing these types of application requests.

PROCESSING RESPONSIBILITY:

DISTRICT PERMIT ENGINEER - The District Permit Engineer reviews and processes all permit applications for dispensing refreshments on holidays. This responsibility includes, but is not limited to, assigning the application a permit number, distributing copies for review through applicable District Offices and the Central Office Permits Branch, and final processing of the application after appropriate signatures, recommendations and/or comments are obtained.

CHIEF DISTRICT ENGINEER - Responsible for reviewing permit requests, furnishing recommendations and/or comments, and making the final decision as to the approval or disapproval of the application. After the final signing of the application by the Chief District Engineer, the application becomes a permit.

## APPLICATION DOCUMENTATION:

#### MUST INCLUDE THE FOLLOWING -

- A. Vicinity Map
- B. Encroachment Permit Form, TC 99-1 (Completed)
- C. TC 99-4 (Completed)

**REQUIRED NUMBER OF COPIES** -The applicant must furnish four (4) sets of the required documentation to the Permit Engineer.

#### PERMIT APPROVAL:

CHIEF DISTRICT ENGINEER - has the authority to approve or disapprove all permit applications for dispensing refreshments on holidays.

#### **DISTRIBUTION:**

See Chapter PE-105-4



#### TC 99-1 Rev. 7/95

# KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch

Rev. 7/9

Released Date	ENCROACHN	IENT PERMIT	PERMIT NO.	
APPLICANT IDENTIFICATION:  NAME:  CONTACT PERSON:  ADDRESS:  CITY:  STATE:  PHONE: area code ()	F F	PROJECT IDENTIFICATION: ACCESS CONTROL COUNTY: MILEPOINT: PROJECT STATUS: PROJECT # STATE: PROJECT # FEDERAL: ROAD/ STREET NAME:	Left Right Maint. Const.	X-ing Design
TYPE OF ENCROACHMENT:  COMMERCIAL ENTRANCE - BUSINESS  PRIVATE ENTRANCE: Single Family  UTILITY: Overhead  GRADE: Fill  AIRSPACE: Agreement  OTHER: (Specify)  TYPE OF INDEMNITY: Bond  SELF-INSURED AMOUNT ENCUMBERED  OTHER  NAME AND ADDRESS OF LOCAL INSURANCE A	Farm Underground Landscape on R/W Lease  Cash	ATTACHMENTS:  Standard Drawings (List on Applicant's Plans Highway Plan and Profile Si TC 99-3 (Ponding Encroach TC 99-4 (Rest Area Usage TC 99-5 (Tree Cutting/Trim TC 99-6 (Chemical Use of Si TC 99-10 (Typical Hwy. Bot TC 99-12 (Overhead Utility TC 99-13 (Surface Restora TC 99-21 (Encroachment PTC 99-22 (Agreement for Si TC 99-23 (Mass Transit Sh Other Attachments (Specify	TC 99-21 under Misc.) heets hment Specs. & Conditions) Specs. & Conditions) uning Specs. & Conditions) Specs. & Conditions) ring Crossing Detail) Encroachment Diagram) tion Methods) Permit General Notes & Specs. ervices to be Performed) helter Specs. & Conditions)	
INDEMNITY: The applicant, in order to secure this of Department's Encroachment Permit requirements, arment. It shall be the responsibility of the applicant or has been completed and duly accepted by an authorical BRIEF DESCRIPTION OF WORK TO BE DONE: other than private entrances.)	n indemnity in the amount of \$ permitee, his heirs and assign zed agent of the Transportation	ees to keep all indemnities in ful n Cabinet, Department of Highw	as determined Il force until construction or rec ays.	by the Depart- onstruction

When the work is completed in accordance with the terms of this encroachment permit, your idemnity will be released. However, the permit is effective until revoked by the Transportation Cabinet and the terms on the permit accompanying permit documents and drawings remain in effect as long as the encroachment exists. <u>FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITTEE.</u> It is important that you understand the requirements of this encroachment permit application and accompanying documents. If you have not done so, it is suggested that you review these documents and place the permit package in a safe place for future reference.

A copy of this permit and all documents shall be given to your contractor and shall be readily available at the work site for the encroachment permit inspector to review at all times. Failure to meet this requirement may result in cancellation of this permit.

IN THE EVENT THIS APPLICATION IS APPROVED, THIS DOCUMENT SHALL CONSTITUTE A PERMIT FOR THE APPLICANT TO USE THE RIGHT-OF-WAY, BUT ONLY IN THE MANNER AUTHORIZED BY THIS DOCUMENT AND REGULATIONS OF THE DEPARTMENT AND THE DRAWINGS, PLANS, ATTACHMENTS, AND OTHER PERTINENT DATA ATTACHED HERETO AND MADE A PART HEREOF.

			Rev. 7/95
1. The permittee shall comply with and is bo	und by the requirements of the Department's Permits Manual as r	revised to and in effect on the date of the issuance of this permi	it which is made a part hereof by reference
reconstruct the facilities and/or provide an Manual within a reasonable length of time cases where traffic signals are permitted of Department policy then in force as set fort	etermines that vehicular capacity deficiencies or over capacity cor d bear the expenses for signs, storage lanes, or other corrective r after receipt of written notice regarding such adjustments, relocal or required, as determined by the Department, the costs for signal th in the Traffic Manual. Any modifications to the permittee's entro o expense to the Department. (This applies only to Entrance Per	measures reasonably deemed necessary by the Department an tion, additions, modifications, and/or corrective measures, such I equipment and installation(s) shall be borne by the permittee a ance necessary to accommodate signalization (including neces	nd as set forth in the Department's Permit n time to be specified in the notice. In and/or the Department in accordance with
3. The said encroachment will not infringe or	n the frontage rights of an abutting owner without written consent Date (T	of the said owner as hereto: "I (we) consent to the granting of a his does not apply to utilities which serve the general public.)	attached permit."
4. Any permit granted hereunder shall be wit	h the full understanding that it shall not interfere with any similar r	ights or permits heretofore granted to any other party except as	s otherwise provided by law.
5. A plan prepared by.	and dated is	attached hereto and made a part hereof, which describes the fa	acilities to be constructed by the
	granted. The permittee agrees as a condition to the issuance of any manner contrary to that prescribed by this permit and plan. N		
6. Permittee shall comply with the Manual on	Uniform Traffic Control Devices as revised to and in effect on th	e date of the issuance of this permit which is made a part hered	of by reference.
liability, claims, and demands arising out of	n work is first commenced and until such time as all facilities are r of work undertaken by the permittee pursuant to this permit, due to ny third party or operate to enlarge any liability of the Department	o any negligent act or omission by the permittee, its servants, a	agents, employees, or contractors. This
	f this permit, the Department may revoke the permit by giving notice and in the event said facilities are not so removed, and the right-o		
<ol> <li>The permittee, his successors and assign U.S.C. 2000-1) and regulations of the U.S</li> </ol>	s shall use the encroachment premises in compliance with all Feo. Department of Transportation as set forth in Title 49 C.F.R., Pa	deral requirements imposed pursuant to the provisions of the Tirt 21, and as said regulations may be amended.	itle VI of the Civil Rights Act of 1964 (42
reconstruction, relocation, or improvement	d become necessary, as may be reasonably determined by the De of the abutting highway, the Department may revoke this permit a except in those cases where the Department is required by law t	and require removal or relocation by the permittee at his own ex	for relocated in connection with the pense according and pursuant to the
	at this permit is personal to the permittee and shall not inure to his croachment exists unless a written release has been obtained from		
	a project in the construction phase, it shall be the responsibility of inate the permitted work with the State's prime contractor on the p		
<ul><li>13. This permit does not alleviate any requiren</li><li>14. Permittee agrees to keep the priority route</li></ul>	nents of any other government agency. in which this permit was issued clear of dirt, mud, and debris dur	ing construction and for the life of this permit.	
THE UNDERSIGNED APPLICANT (I	peing duly authorized representative/owner) DOES	S AGREE TO ALL TERMS AND CONDITIONS S	SET FORTH HEREIN.
January 1st July 1st , 19			
Completion Date	Date	Signature	
RECOMMENDED FOR APPROVAL			
		•	
Title	Signature	Chief District Engineer	Date
PRIVATE ENTRANCE: TO BE COM	PLETED BY PERSONNEL INSTALLING FACILIT	TY.	
Installed By:			
Title		Signature	Data

TC 99-3 Rev. 7/95

# KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch

#### PONDING ENCROACHMENT SPECIFICATIONS & CONDITIONS

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	FOR	INFREQU	ENT FLOOD	ING OF	ROADWAY	RIGHT-OF	-WAY DA	M CON	STRUCT	ION	
DAM LO	CATION										
		miles (i	north, south, ea	ast, west)	of	w					
						TOW	N, COMMU	INITY, OR	COUNTY LI	NE	TACAN
ATTACH	MENTS										
U.S.	.G.S. TOPO I	MAPS			JR PLANS SHO M ELEVATION NG				N & PROF	ILE SHEE	тѕ
FLOODII	NG DATA						7	-			
Frequenc	v of flooding	of right-of-w	/av	<u>.</u>		vears.					
ł					e of draw down					feet per	dav.
Daiation								-		1001 poi	
DESIGN	DATA*										
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* If dam i alignment	is SCS desigr and profile si	n, list name d heets, conto	of watershed w ur surveys sho	ork plan a wing max	and structure nu imum elevation	umber. Atta of flooding	ach U.S.G. in relation	S. Topog to roadwa	raphical m ay grade a	aps, roadw nd original	ay ground.
WATERS	SHED WORK	PLAN	Yes	ΠNο	STRUCTURE	NUMBER					
	OTHE	R INFORMA	ATION RELATI	VE TO PE	ERMIT OR AS	REQUIRED	BY CHIE	F DISTRI	CT ENGIN	EER	
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**EXHIBIT 3** 

TC 99-4

KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch

#### REST AREA USAGE SPECIFICATIONS AND CONDITIONS

REST AREA NUMBER SERVICES PROPOSED SHALL BE ABSOLUTELY FREE ACTIVITY IDENTIFICATION a.m. and p.m. Activity will be operational between the hours CHECK THE SERVICES THAT WILL BE OFFERED MILK COFFEE SANDWICHES OTHER SOUP SOFT DRINKS DOUGHNUTS HOT CHOCOLATE GIVE A BRIEF DESCRIPTION OF THE SERVICE AREA, THE SERVICE FACILITIES (tent, trailer, etc.) AND THEIR LOCATION WITHIN THE REST AREA. THE PERMITTEE AGREES TO THE FOLLOWING: 1. The service shall be absolutely free and shall be limited to the time period approved on this permit. 2. No donations shall be solicited. 3. No sign or other means of notification shall be placed by the permittee on the main traveled way or on the ramps leading to the rest area. 4. The permittee shall be allowed to place one sign not to exceed 2' x 3' in the area of service. The message and location of the sign will be designated and approved by the Chief District Engineer. Identifying badges or emblems may be work by the servicing attendants. 5. The service shall be provided outside the rest room building and s hall not interfere with the normal flow of pedestrian or vehicular traffic in the rest area. 6. Use of a portable or mobile facility m ay be authorized. These facilities shall be parked only in the area approved and designated on this 7. The designated service area shall be policed by the permittee for litter and other articles by the permittee. 8. Adult supervision shall be provided throughout the permit period. 9. The permittee shall be liable for all damages resulting from a ctivities of the organization or its representatives, including bodily injury, death, or property damage. 10. A copy of the permit shall be available at the service area. 11. Issuance of the permit conveys the right to use electricity, water, or other available utilities, at no charge, subject to such quality and location limitations as may be prescribed by the Chief District Engineer to protect the basic Rest Area usage requirements. OTHER INFORMATION RELATIVE TO PERMIT OR AS REQUIRED BY THE CHIEF DISTRICT ENGINEER

TC 99-5 Rev. 7/95

#### TREE CUTTING OR TRIMMING SPECIFICATIONS & CONDITIONS

#### THE PERMITTEE AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

- 1. All work shall conform to recognized tree surgery practice.
  - A. Forman shall be qualified tree experts.
  - B. Climbing irons shall not be used.
  - C. Natural character of the tree shall be preserved.
- 2. Removal of branches of trees by sawing shall be preceded by undercutting 10 inches from parent branch to prevent stripping the bark. Final cut shall be flush with parent branch or trunk.
- 3. In removing a branch, the cut shall be made at a fork, remaining branch shall be at least one-third the diameter of branch removed. No stubs will be allowed to remain.
- 4. When limbs are trimmed, they shall be cut back to an outside bud that will grow outward. All cuts one inch or more in diameter must be at least two feet inside the periphery of the tree crown.
- 5. Trimming shall be limited to providing clearance of six feet, except for high tension wires when seven feet may be allowed between uppermost branches and wires. Balance of cutting shall be in proportion to maintain symmetry of tree (exceptions to the preceding may be allowed by the Chief District Engineer on a tree to tree basis).
- 6. All cuts shall be made flush and parallel with main stem, branch, or trunk of the tree and painted with an approved tree dressing. No spray solution of any kind may be used on trees to be trimmed or any other surrounding shrubbery that would injure or destroy its growth.
- 7. All cut wood shall be loaded immediately on a truck. Disposal of such shall conform with laws and regulations of the community, county, and Commonwealth.
- 8. The work authorized by this permit shall be performed under supervision and to the satisfaction of the Chief District Engineer or his representatives.
- 9. The Chief District Engineer reserves the right, at any time, to revoke this permit or to withhold future permits until faulty work is corrected.
- 10. The applicant for a permit shall be responsible for all damages resulting in bodily injury, including death, or property damage, liab-bility due to activities of permittee, its contractors, subcontractors of either or both agents, or employees in connection with any act or ommission hereunder, & does hereby agree to indemnify & save harmless the State and the Department of Highways.
- 11. Traffic shall be maintained on this section of the highway while the work is in progress and until its completion. All necessary precautions shall be taken by the applicant to protect the public while the permitted work is in progress.
- 12. Nothing in this permit shall be construed as relieving the applicant of his responsibility in obtaining consent of property owner prior to cutting or trimming any trees or shrubs which are wholly on or in part, on property abutting the right-of-way of the Department of Highways.
- 13. Applicant will notify the Chief District Engineer at least 24 hours before starting work under this permit. Start of such work by the applicant or his agent shall constitute acceptance of the conditions and regulations enumerated.

COMPLETE DESCRIPTION OR WORK TO BE DONE (Tree size, type, location, etc.)

TC 99-6 Rev. 7/95

#### USE OF CHEMICALS SPECIFICATIONS AND CONDITIONS

#### THE PERMITTEE AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

- 1. A properly qualified representative of the Department of Highways and an official representative of the applicant shall investigate the proposed work on the designated highways.
- 2. If a permit is approved and granted, such permit must be in the hands of the foreman at the place and time the work is being done.
- 3. All vegetation within the boundaries of permittees spraying which is 2'6" or more in height shall be cut down to the ground and immediately removed from the highway right-of-way before spraying is done and such shall not be burned on the right-of-way.
- 4. Spray chemicals that are harmful to grass, legumes, vines, and other low growing cover plants shall not be used on:
  - (A) Highway cut slopes where such vegetation has been planted or has become established naturally.
  - (B) Highway shoulders between the highway surfacing and the ditch line.
  - (C) Other areas where it is obvious that mowing is done as part of highway maintenance.
- 5. Shrubs, either native or planted, growing on backslopes shall not be sprayed, regardless of location, when it is obvious they are helping to control erosion on such slopes or which are known generally as native ornamental shrubs.
- 6. Spraying specimen trees, either planted or native, is prohibited, regardless of location. Trimming of such trees may be done by special permit after proper inspection by a representative of the Department of Highways.
- 7. All chemical spraying shall be considered "selective" spraying in that desirable plants shall be left standing without damage. Desirable vegetation destroyed or seriously damaged as a result of spraying, either through negligence, carelessness, or otherwise shall be replaced or the Department shall be reimbursed by the Permittee in the amount of the replacement or damage value. Further, any negligence or carelessness noted may result in the cancellation of the permit.
- 8. Permittee shall acquaint himself and comply with all pertinent laws, rules, and regulations.
- 9. Traffic must be maintained at all times with as little interference as possible, and every precaution must be taken for its safety.
- 10. In accepting this permit the permittee agrees to assume all liabilities and be fully responsible for any and all damages to private property adjoining or adjacent to the highway right-of-way, or in proximity thereto where wind-drift, negligence, or any other reason may be the direct or contributing cause of damage; also, to be fullly responsible for damage to desirable trees, shrubs, vines and grass, and other ground covers on the highway rights-of-way whether such damage may be caused by negligence or otherwise, or indirectly by wind-drift.
- 11. Permits will be revoked upon failure to comply with these regulations. Future permits will be withheld until such jobs, not completed in an approved manner, are corrected to the satisfaction of the Department of Highways.

COMPLETE DESCRIPTION OR WORK TO BE DONE AND CHEMICAL TO BE USED (Plus other information relative to the permit or as required by the Chief District Engineer)

TC 99-7 Rev. 1/96

# KENTUCKY TRANSPORTATION CABINET

County Department of Highways
Permits Branch

Bond No.			•
Permit No.	ENCROACHMEN	T PERMIT BOND	
	(Attach Standard	Power of Attorney)	
WHOM ALL MEN BY T	IFOE DDECENTO, That		
	No. of the Control of	in the City of	
	, as Principal, and		
	, do i molpai, and		
	, as Surety, are held and firn		
	ation Cabinet in District Office No.(s)		
Kentucky, State of Kent	ucky, obligee, in the penal sum of	(\$	) Dollars, lawful
	tes for the payment of which well and tru		
tors, and assigns, jointly	and severally, firmly by these presents.		
	egoing obligation is such that whereas the		
	has obtained from the	e Commonwealth of Kentucky, Transpo	rtation Cabinet, a permit
authorizing specific facil	ities upon the State owned right-of-way, a	and	
surety, payable to the C the permitted encroach conforming aspects of t  Now, therefore, if the ab permit, and if the encroa by the Transportation C accordance with the Ca and void; otherwise to re authorized agent of the  That this obligation shal	ommonwealth of Kentucky, for the use a ment being completed in accordance with the encroachment can be corrected without being principal shall faithfully and achment for which the said permit is grantabinet, the above bounden principal shall binet regulations, and if thereafter such remain in full force and effect until completing Transportation Cabinet.  I remain in full force and effect until termite the parties, have set our hands and seals	nd benefit of the Transportation Cabinet in the approved permit and being guarant ut expense to the Transportation Cabinet in the text of	and conditioned upon teed that all non- et, by the said principal: n accordance with said e said permit is revoked roadway or surfacing in sobligation shall be null accepted by an
(KY	Bonding Agent Name)	(Principal)	
	(Mailing Address)	ВҮ	
	,		
(0	City, State, Zip Code)	(Surety)	
	(Phone Number)	BY (Atternay in Eq.	
	A mana mannaary	(Attorney in Fac	uij

#### DISTRICT ONE

#### DISTRICT TWO

#### DISTRICT THREE

#### DISTRICT FOUR

Kentucky Dam Road Post Office Box 3010 Paducah, KY 42002 502) 898-2431

Ballard
Calloway
Carlisle
Crittenden
Fulton
Graves
Hickman
Livingston
Lyon
McCracken
Marshall

1840 North Main Street Drawer D Madisonville, KY 42431 (502) 824-7080

Caldwell
Christian
Daviess
Daviess
Hancock
Henderson
Hopkins
McClean
Muhlenberg
Ohio
Union
Webster

Morgantown Road Post Office Box 599 Bowling Green, KYK 42101 (502) 746-7898

Allen
Barren
Butler
Edmonson
Logan
Metcalfe
Monroe
Simpson
Todd
Warren

East Dixie Post Office Box 309 Elizabethtown, KY 42701 (502) 766-5066

Breckinridge
Grayson
Green
Hardin
Hart
Larue
Marion
Meade
Nelson
Taylor
Washington

#### DISTRICT FIVE

# 977 Phillips Lane Post Office Box 37090 puisville, KY 40233 puisville, KY 40233

Trigg

Bullitt
Franklin
Henry
Jefferson
Oldham
Shelby
Spencer
Trimble

#### DISTRICT SIX

Buttermilk Pike & I-75 Post Office Box 17130 Covington, KY 41017 (606) 341-2700

Boone
Bracken
Campbell
Carroll
Gallatin
Grant
Harrison
Kenton
Owen
Pendleton
Robertson

#### DISTRICT SEVEN

763 New Circle Road, NW Post Office Box 11127 Lexington, KY 40512 (606) 254-6612

Anderson
Bourbon
Boyle
Clark
Fayette
Garrard
Jessamine
Madison
Mercer
Montgomery
Scott
Woodford

#### DISTRICT EIGHT

U.S. 27 Post Office Box 780 Somerset, KY 42501 (606) 677-4017

Adair
Casey
Clinton
Cumberland
Lincoln
McCreary
Pulaski
Rockcastle
Russell
Wayne

#### DISTRICT NINE

#### DISTRICT TEN

# DISTRICT ELEVEN

#### DISTRICT TWELVE

Clizaville Road
St Office Box 347
Semingsburg, KY 41041
(606) 845-2551

Bath Boyd Carter Elliott Fleming Greenup Lewis Mason Nicholas Rowan Highway 15 Post Office Box 621 Jackson, KY 41339 (606) 666-8841

Breathitt
Estill
Lee
Magoffin
Menifee
Morgan
Owsley
Perry
Powell
Wolfe

Railroad Avenue Post Office Box 250 Manchester, KY 40962 (606) 598-2145

Bell
Clay
Harlan
Jackson
Knox
Laurel
Leslie
Whitley

North Mayo Trail Post Office Box 2468 Pikeville, KY 41501 (606) 433-7791

Floyd
Johnson
Knott
Lawrence
Letcher
Martin
Pike

TC 99-8 Rev. 2/95

## SELF-INSURED BOND

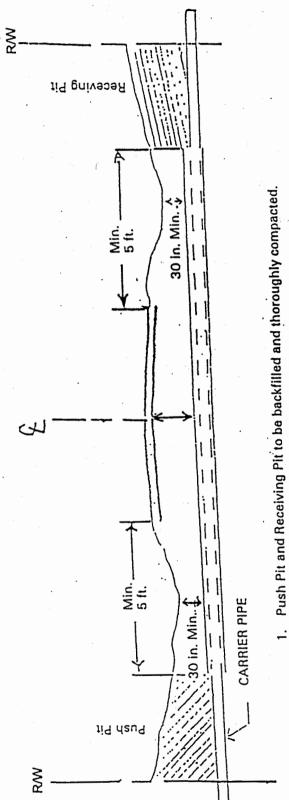
AFFIDAVII	
COMMONWEALTH OF KENTUCKY	)
	)
COUNTY OF	)
1,	, in my capacity as
of	, a corporation or other business entity of the
NAME OF COMPANY	e under oath that I have personal knowledge that the net
assets in tangible property of said	are in excess of
\$ NAME OF COMPANY	<u> </u>
NAME OF COMPANY	
•	DV4
	BY:
SUBSCRIBED AND SWORN to bef	ore me a notary public in and for the County and State
aforesaid, this the day of	of, 19
	NOTARY PUBLIC
MY COMMISSION EXPIRES:	

# SELF-INSURED BOND

TC 99-8 Page 2 Rev. 2/95

We, the undersigned	a corporation or other business entity existing
that whenever the surface of any road, subject to the jurisdithe reason of the operation of the company upon the rig Kentucky that any and all damage will be restored at the good a condition as it was prior to the damage thereof; the the company will take all necessary precautions to protect any and all damage that may result by reason of the granight-of-way of any highway of the Commonwealth of Ker	expense of the company within a reasonable time to as at such work will be done in a workmanlike manner; that raffic; that the company will assume all responsibility for anting of any permit by the Commonwealth for use of attucky; and that the company will make installations and the permits and do all such work under the supervision of
This bond shall be and remain in full force and effect Transportation Cabinet.	at until release is granted or the bond is cancelled by the
This day of	, 19
•	
	PERMITTEE NAME
	BY:
	TITLE
ATTEST:	
TITLE	
1111	
	FICATE
CERTI	
The Kentucky Transportation Cabinet hereby certion	fies that
The Kentucky Transportation Cabinet hereby certion ofeng	name of PERMITTEE aged in the business of DESIGNATE BUSINESS
The Kentucky Transportation Cabinet hereby certion  ofeng  ADDRESS OF PERMITTEE  atbei	fies that  NAME OF PERMITTEE  laged in the business of  DESIGNATE BUSINESS  In a subject to the provisions of KRS 177.103 - 106 and
The Kentucky Transportation Cabinet hereby certicology and Permittee at	fies that  NAME OF PERMITTEE  laged in the business of  DESIGNATE BUSINESS  Ing subject to the provisions of KRS 177.103 - 106 and  partment that the permittee has the financial ability to pay its in the amount and manner and when due as provided ble assurances (afidavit, surety bond, etc.) to secure the
The Kentucky Transportation Cabinet hereby certiform and the serious of Permittee at PLACE OF BUSINESS  KRS 416.140, has made proof to the satisfaction of the Design of the costs of removal and relocation of encroachment in said statutes, and has filed with the Department accepta payment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment or relocation or relo	fies that  NAME OF PERMITTEE  laged in the business of  DESIGNATE BUSINESS  Ing subject to the provisions of KRS 177.103 - 106 and  partment that the permittee has the financial ability to pay its in the amount and manner and when due as provided ble assurances (afidavit, surety bond, etc.) to secure the
The Kentucky Transportation Cabinet hereby certiform and the serious of Permittee at PLACE OF BUSINESS  KRS 416.140, has made proof to the satisfaction of the Design of the costs of removal and relocation of encroachment in said statutes, and has filed with the Department accepta payment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment of such costs of removal or relocation of encroachment or relocation or relo	In the business of DESIGNATE BUSINESS Ing subject to the provisions of KRS 177.103 - 106 and partment that the permittee has the financial ability to pay its in the amount and manner and when due as provided ble assurances (afidavit, surety bond, etc.) to secure the bachments as they are incurred.  If the immediately cancelled by the Transportation Cabinet lanual or the Manual on Uniform Traffic Control Devices.
The Kentucky Transportation Cabinet hereby certifor  of	In the business of DESIGNATE BUSINESS Ing subject to the provisions of KRS 177.103 - 106 and partment that the permittee has the financial ability to pay its in the amount and manner and when due as provided ble assurances (afidavit, surety bond, etc.) to secure the bachments as they are incurred.  If the back the back the financial ability to pay its in the amount and manner and when due as provided ble assurances (afidavit, surety bond, etc.) to secure the backments as they are incurred.  If the back the back the financial ability to pay its in the amount and manner and when due as provided ble assurances (afidavit, surety bond, etc.) to secure the backments as they are incurred.
The Kentucky Transportation Cabinet hereby certifor  of	In the business of
The Kentucky Transportation Cabinet hereby certifor  of	In the business of
The Kentucky Transportation Cabinet hereby certifor  of	In the business of
The Kentucky Transportation Cabinet hereby certifor  of	In the business of

# Typical Highway Boring Crossing Detail



Pavement Width

Permit No.

Route No.

All Ditch Lines to be left open. 7

Seed and straw all areas disturbed by this work.

Services over 2" to be encased or exempt under Chapter 2 of the Permits Guidance Manual

# TC 99-11 Rev. 2/95

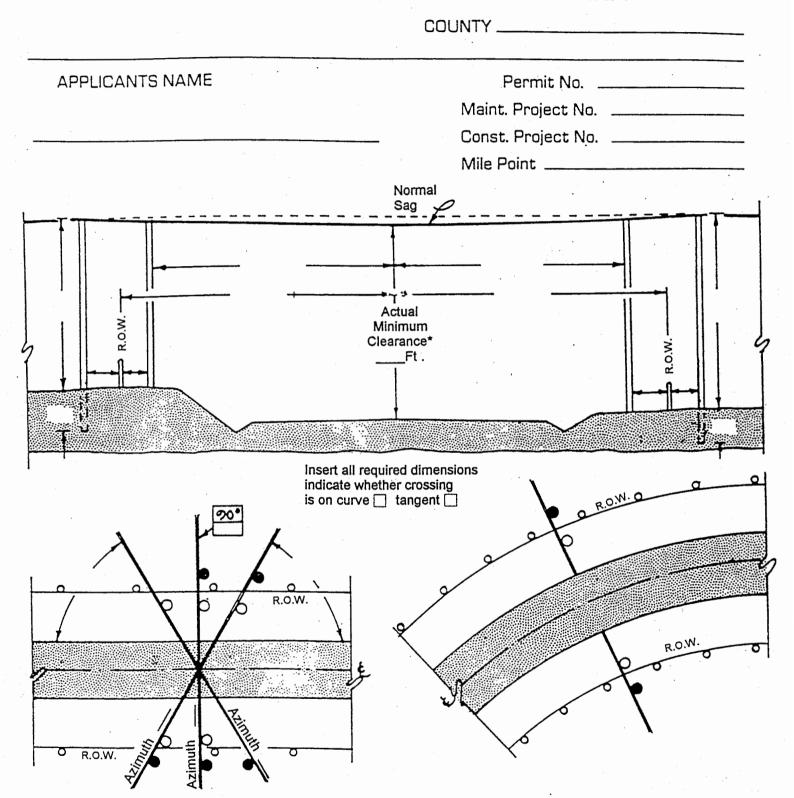
KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch

# OFFICIAL ENCROACHMENT INSPECTION NOTICE

TO:		DATE	·		
· · · · · · · · · · · · · · · · · · ·		·			
COUNTY	PERMIT	T NUMBER			
TYPE OF ENCROACHMENT					
STATE ROUTE NO.	MILEPOINT		Right	Left	Xing
COMPLETION DATE	, 19	ENCUMBRANC	E AMOUNT \$		
<ol> <li>The encroachment has been completed as items to be corrected or completed as</li> </ol>	eted as permitted and the	ne encumbrance is h	ereby released	•	
OTHER ITEMS: See Attached	Sheet				
3. The completion date has expired Contact this office within three days	/ will e	-	<del></del>		
	IMPORTANT	(Please read)			
<ul> <li>Failure to complete the permitted facility or check) if so determined by the Chie</li> <li>When permitted facility has been compreheased but the permit and all related the TRANSPORTATION CABINET.</li> </ul>	of District Engineer.  Inpleted and accepted	by the TRANSPO	RTATION CA	BINET, your	indemnity will be
FUTURE MAINTENANCE OF T	THE ENCROACHM	ENT IS THE RES	PONSIBILIT	TY OF THE F	PERMITTEE
If there are any questions, contact:		at (	)		
ADDRESS:					

**EXHIBIT 10** 

# OVERHEAD UTILITY ENCROACHMENT DIAGRAM



INSERT ANGLE OF CROSSING & AZIMUTH OF LINE

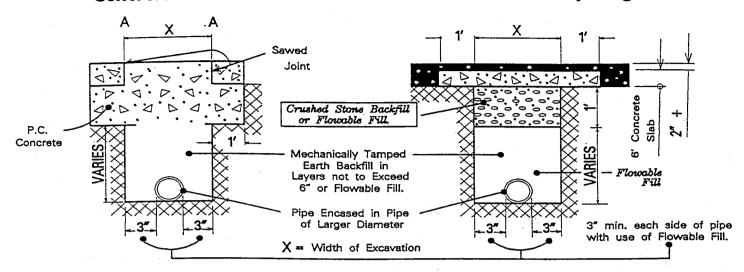
# Minimum Allowable Clearances

0-750 Volts 18 ft. 750-15,000 Volts 20 ft. 15,000-50,000 Volts 22 ft. ON INTERSTATE ROUTES - ALL ENERGIZED LINE CROSSING - 24 ft.

# SURFACE RESTORATION METHODS

#### Concrete Pavement

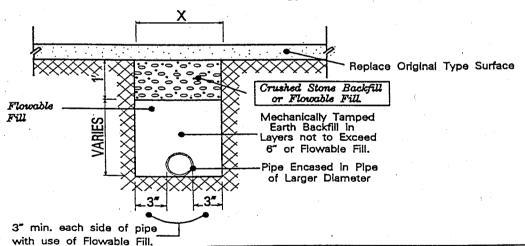
# Bituminous Surfacing 2"+



Replace Concrete Pavement with new pavement same thickness of existing pavement.

Repace Bituminous Pavement with same type and depth as existing pavement.

# Bituminous Surface Less Than 2" & Traffic Bound Macadam



#### NOTE:

- Distance From points "A" (Concrete Pavement)
  to nearest joint or break in pavement must
  be six (6) feet or more. If less than six (6)
  feet, remove pavement to joint or break and
  replace entire slab.
- 2. Concrete slab under Bituminous Surface to extend twelve (12) inches on each side of trench.
- 3. An approved joint sealer to be applied between new and existing pavement.

# KENTUCKY TRANSPORTATION CABINET

# Department of Highways

Methods of Surface Restoration Due to Open trench Pipe Installation

TC 99-14 Rev. 7/95

## LEGAL NOTICE

				· · · · · · · · · · · · · · · · · · ·	Kentud	ky		
					, 19			
TO:								
	Name							
	Address		,					
		Chata	7'- 0-1			•		
	City	State	Zip Code	•				
Unau	thorized Encroa	chment on State-Ov	wned Right-of-W	Vay				, county
Proje	ect No.	•						Road
•						4.486		
	The	· · · · · · · · · · · · · · · · · · ·						
locat	ed		Type of miles from	Encroachme	ent			
which	n vou have place	ed, or caused to be p	nlaced	for	et within and c	n state_owned	right_of_wa	v constitutes
20.0	noroachmont in	violation of KPS 17	7 103 through K	DC 177	106			
an ei	ncroachment in	violation of KRS 17	7.103 through K	.KS 177.	100.			•
	In accordanc	e with KRS 177.106	you are hereby	notified	to immediate	ly remove the	above-men	tioned
onor	andrant Enily	re to comply with this	s notice within		timo u	ill maka it naa	seens for th	o Transpor
CHOIC	Jacinnent, Fanui	ie to comply with this	- House within	· .	anne w	iii make it neci	ssary for ti	ie iranspoi-
tation	n Cabinet to caus	se said encroachmer	nt to be removed	d and the	en to collect th	e cost thereof	from you o	to take other
appr	opriate legal act	ion.						
• •								
	•	•						*
						Chief Distric	Engineer	
	# #							
l her	ehy certify that t	the foregoing notice	was served	BY:				
HICI	cby certify that t	are roregoing notice	11 a3 301 VCu					
by _								
a coi	•							
	by of same to							
	py of same to			2 -				·
	py of same to e above address	W						
	e above address	s on this						

DATE	

## DISTRICT BRIDGE ENGINEERS' ANNUAL REPORT

OWNER	TYPE UTILITY	COUNTY	ROUTE NO.	MP NO.	STATEMENT OF CONDITION	ACTION NECESSARY BY PERMIT SECTION
					·	
			1			

TC 99-16 Rev. 6/90

### KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS DIVISION OF TRAFFIC

# INDEMNITY ENCUMBRANCE AND RELEASE SHEET

NAME AND ADDRESS OF APPLICANT:  TYPE OF INDEMNITY: Statewide Bond District Bond Self-Insured Telephone No.:  ENCUMBRANCES TABULATIONS  ACTION NUMBER DATE NUMBER AMOUNT ENCUMBERED ACTION NUMBER BALANCE  BALANCE
Statewide Bond Name:  District Bond Address:  Self-Insured Telephone No.:  ENCUMBRANCES TABULATIONS  ACTION NUMBER DATE PERMIT AMOUNT ENCUMBERED RELEASED NUMBER BALANCE  BALANCE  BALANCE
ACTION NUMBER DATE PERMIT AMOUNT ENCUMBERED RELEASED NUMBER BALANCE
NUMBER DATE NUMBER ENCUMBERED RELEASED NUMBER BALANCE

TC 99-17 Rev. 2/95

# Plan and Profile Sheet

PERMIT APPLICANT	T NAME	TYPE OF ENCROACHMEN!
COUNTY NAME	OLEFT ORIGHT	
PLAN VIEW SCALE		
	TYPICAL CF	CROSS SECTION-SCALE 1:20

TC 99-18 Rev. 7/95

# KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch Frankfort, Kentucky 40622

# REQUIRED DOCUMENTATION AND INFORMATION BY APPLICANT for Encroachment Permit

(This form must be signed and returned by the applicant with the items checked)

	Date	Signate	ure	Title
	, 19			
			•	
			nd made a part of the permit by the	Department of Highways
	Advise the District Permit Engine			
	Obtain approval of all other appl	•	l agencies	
	Complete the work by the date s			
	Comply with the Manual on Unif	form Traffic Control Devices		
VI.	I have reviewed and understand the	requirements on the encroac	hment permit application and I an	a aware that I must:
		· ·		<u></u>
			· · · · · · · · · · · · · · · · · · ·	
V.	Other Required Documentation			
	Paving Specifications		Centerline Profile	
	Cross Sections		Details of all drainage facilit	ties
	Curing and/or sidewalk		Roadway or median modific	
	Actual R/W line, property lines,	existing entrance, etc.	Size, length, and location of	
	Total work area within R/W		Traffic Generation Study	
	Total area of development		Drainage Calculations	
	applicant's name, and spaces in approval signature	or permit number and	North Arrow	
	Title block with date, scale (1" = applicant's name, and spaces for		Proposed Building Location	
IV.	Applicant's plans showing:			
111.	Department of Highway Roadway Pla	an oneet(s) with the encroact	mment snown in rea.	
111		en Shoot(s) with the energe	hment shown in red	
	Other			
	Encroachment Permit Bond (For Cashier or certified check	III 10 99-1) with Power of Al	uomey .	
		m TC 00 7) with Davis of A	Horney	
11.	Indemnity			•
	Date and signature of applicant of			
	Items 3 and 5 on back of applica	•	••	
	Name and address of applicant's	•	•	
	County and milepoint or location			
	(Applicant shall complete the following			
l.	Encroachment Permit Application (For (Applicant shall complete the following)			•
	·			

ATTN:	TRANSPORTATION CABINET TC 99-20 Permits Branch Rev. 2/95 District Permits Engineer uthorized Encroachment
Date:	County:
Route Marker:	Left Right
Private Entrance	Comm. Entrance
Utility (Specify)	Fence
Grading / Filling	Junkyard
Advertising Device	Other (Specify)
COMMENTS:	
DID YOU ADVISE	E VIOLATOR PERMIT IS REQUIRED?
	VIOLATOR
Name	
Address	10/ 77
City	, KY Zip
SIGNED	
TITLE	

PERMIT NO.

# KENTUCKY TRANSPORTATION CABINET Department of Highways Permits Branch

TC 99-21 Rev. 12/95 Page 1 of 4

# ENCROACHMENT PERMIT GENERAL NOTES & SPECIFICATIONS

Essent Medical Co	
<u>A.</u> G	AFETY
	Seneral Requirements
	All signs and control of traffic shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, Part VI, and safety requirements shall comply with the Permits Manual.
	All work necessary in shoulder or ditchline areas of a state highway is to be scheduled to be promptly completed so that hazards adjacent to the traveled-way are kept to an absolute minimum.
	No more than one (1) traveled-lane is to be blocked or obstructed during normal working hours. All signs and flagmen during lane closure shall conform to the Manual on Uniform Traffic Control Devices.
	When it is necessary to block one (1) traveled-lane of a state highway, the normal working hours shall be as directed by the Department. No lanes are to be blocked or obstructed during adverse weather conditions (i.e., rain, snow, fog, etc.) without specific permission from the Department. Working hours shall be between and
	The traveled-way and shoulders shall be kept clear of mud and other construction debris at all times during construction of the permitted facility.
	No nonconstruction equipment or vehicles or office trailers will be allowed on the right-of-way during working hours.
	The right-of-way shall be left free and clear of equipment, material, and vehicles during non-working hours.
<u>B.</u> E	<u>xplosives</u>
	No explosive devices or explosive material shall be used within state right-of-way without proper license and approval of Kentucky Department of Mines and Minerals, Explosive Division.
<u>C.</u> C	Other Safety Requirements
_	
II. U	TILITIES
	HEITIES
	*All work necessary within the right-of-way shall be behind a temporary fence erected prior to a boring operation.
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<sup>\*</sup>Applies to Fully Controlled Access Highways ONLY

III. G	III. GENERAL - TC 99-21				
A. OSHA Rev. 7/95 Page 2 of 4					
	Kentucky Occupational Safety and Health Standards for the construction industry which has the effect of law states in part: (Page 52 1926.651 Specific Excavation Requirements) "Prior to opening an excavation, effort shall be made to determine whether underground installations: i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation."				
<u>B.</u> A	rchaeological				
	Whenever materials of an archaeological nature are discovered during the course of construction work or maintenance operations, contact shall be made immediately with the Division of Environmental Analysis which maintains an archaeologist on its staff, or with the Office of the State Archaeologist located at the University of Kentucky. Following this consultation, further action shall be decided on a case-by-case basis by the State Highway Engineer or the Transportation Planning Engineer or their designated representative.				
<u>C. L</u>	Itilities in the Work Areas				
	The permittee is to be responsible for any damage to existing utilities and any utility modifications or relocations within State right-of-way necessary, as determined by the Department or by the owner of the utility, are to be at the expense of the permittee and subject to the approval of the Department.				
	All existing manholes and valve boxes are to be adjusted to be flush	vith finished grade.			
IV. F	RIGHT-OF-WAY RESTORATION				
	All disturbed portions of the right-of-way are to be restored to grass as per Kentucky Department of Highways Standard Specifications for Road and Bridge Construction (latest edition). A satisfactory turf, as determined by the Department, is to be established by the permittee prior to release of indemnity. Sodding or seeding as follows:				
	Lawn or High Maintenance Situation	-70% Lawn Fescue (e.g., variety - Falcon)			
		-30% Bluegrass or			
		70% Lawn Rye (e.g., variety - Derby) 30% Bluegrass			
	Right-off-Way Lawn Maintenance Situation	-70% KY 31 Fescue -30% Perennial Rye Grass or 100% KY Fescue			
	Two tons clean straw mulch per acre of seeding.	100% VI Learne			
	Prior to seeding, the ground must be prepared in accordance with King Construction (latest edition).	entucky Department of Highways Standard Specifications for F	Road and		
	Substitutes for sod such as artificial turf or rocked mulch or paved are	eas may be acceptable if they are aesthetically pleasing.			
	All ditch flow lines and all ditch side slopes are to be sodded.				
	Existing concrete right-of-way markers are not to be disturbed, but if damaged in any way, they are to be entirely replaced by the permittee with new concrete markers to match the original markers, in accordance with Kentucky Department of Highways Standard Drawings.  Markers which are entirely removed are to be re-established in the proper locations by the permittee and to the satisfaction of the Department.				
	Other right-of-way restoration requirements are as follows:				
			·		
V. D	RAINAGE				
	All pipe is to be laid in a straight alignment, to proper grades, and with all materials and methods of installation including bedding and joint seating in accordance with Department Standard Specifications for Road and Bridge Construction, latest edition. Pipe is not to be covered until inspected by the Department and express permission obtained to make backfill.				
	All gutter lines at the base of new curbs are to be on continuous grades, and pockets of water along curbs, or in entrance areas or other paved areas within the right-of-way, are not acceptable.				
	All drainage structures and appurtenances (manholes, catch basins, curbing, inlet basins, etc.) shall conform to Department specifications and shall be constructed in accordance with the Department Standard Drawings. Type required:				

TC 99-21 Rev. 7/95 Page 3 of 4

VI. P	PAVING	Fage 3 014	
	No bituminous pavement is to be installed within the right-of-way between 40°F, without the express consent of the Department. No bituminous pave	November 15 and April 1, nor when the temperature is below ement is to be installed when the underlying course is wet.	
	Paving within the right-of-way shall be as follows:		
	Base (Type)(	Thickness)	
	Surface Base (Type)(	Thickness)	
	Finished Surface (Type)(	Thickness)	
	Existing pavement and shoulder material shall be removed to accommodate	te the above paving specifications.	
	The finished surface of all new pavement within the right-of-way shall be true to the required slope and grade, uniform in density and texture, free of irregularities, and equivalent in riding qualities to the adjacent highway pavement or as determined by the Department of Highways.		
	All materials and methods of construction, including base and subgrade pr Highways Specifications for Road and Bridge Construction, latest edition.	eparation, shall be in accordance with Kentucky Department of	
	24 hours notice to the Department is required prior to beginning paving op	erations:	
	Phone:Nar	ne	
	To insure proper surface drainage the new pavement is to be flush with the the existing edge of the pavement as specified on drawings.	e edge of existing highway pavement and is to slope away from	
	Existing edge of pavement shall be saw cut to provide a straight and unifor accordance with Kentucky Department of Highways Standard Specification pavement.	m joint for new pavement. An approved joint sealer, in ns (latest edition) shall be applied between new and existing	
<u> Francosco</u>	SIDEWALKS SPECIFICATIONS		
<u>A. N</u>	New Sidewalks		
	Sidewalks are to be constructed of Class A concrete (3,500 p.s.i. test), a the bituminous entrance and 4" in thickness across the remaining sections	re to be * feet in width, are to be 6" in thickness across	
	Sidewalks are to have tooled joints, not less than 1" in depth at *four (4) for through the sidewalk at intervals not to exceed fifty (50) feet.		
	* This dimension should be equal to the	ne width of the sidewalk	
	All materials and methods of construction, including curing, is to be in accompecifications for Road and Bridge Construction, latest edition.	ordance with Kentucky Department of Highways Standard	
<u>B. E</u>	Existing Sidewalks		
	(Applicable if existing sidewalks are being relocated) Use of the sidewalk is maintained across the construction area at all times.		
	All damaged sections of the sidewalks are to be entirely replaced to match	existing sections.	
VIII.	DENSE GRADED SHOULDERS		
	Any existing dense graded aggregate shoulders in the entire frontage within on which dirt has been placed or mud is deposited or tracked, are to be rematerial and replaced to proper grade with new dense graded aggregate.	n the construction area, which have been disturbed, damaged, or estored to original condition by removal of all contaminated	
	All new aggregate shoulders as specified on the plan are to consist of 5" colorium chloride.	ompacted dense graded aggregate 2½ pounds per square yard	
	All dense graded aggregate shoulders are to slope away from the new edg	ge of pavement at the rate of 3/3" per foot.	
IX. C	CURBING		
<u>A. B</u>	Bituminous Curbs		
	Bituminous concrete curbs shall be given a paint coat of asphalt emulsion.		
	The surface under the bituminous concrete curb shall be tacked with asph		
	All bituminous concrete curbs shall be constructed of a Class I bituminous specifications.	concrete mixture as specified by official Department of Highways	
	All bituminous curbs shall be of the rolled curb type with a minimum base of the top of the curb shall be constructed in such a manner as to guarantee	width of 8" and a minimum height of inches. e a uniform rolled effect throughout the entire run.	

В. С	Concrete Curbs		
	All curbs or curb and gutter are to be constructed of Class A concrete (3,500 p.s.i. test) and are to be uniform in height, width, Page 4 of 4 and alignment, true to grade and satisfactory in finish and appearance as determined by the Department. All materials and methods of construction, including curing, is to be in accordance with Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.		
	All concrete curbs are to be 6" in width, extend " above finished grade and 12" below finished grade, with all visible edge rounded to ½" radii.		
	All concrete curbs shall have expansion joints constructed at intervals of not more than 30 feet and ½" premolded expansion joint material (cut to conform to the curb or to the curb and gutter section) shall be used in each expansion joint.		
	The last feet of all concrete curbs are to be tapered down to finish grade.		
X. R	NIGHT-OF-WAY FENCE REPLACEMENT		
	The replacement fence shall be a height of at least 48" and shall be of sufficient density to contain all animals. (If applicable)		
	The replacement fence shall be a minimum of one foot (1') and a maximum of two feet (2') outside the right-of-way line.		
	The fence materials and design shall meet accepted industry standards and be treated as paintable.		
	The permittee shall be required to maintain the fence in a high state of repair.		
	The existing fence shall be removed by permittee and stored at Department's maintenance storage yard for future reuse by the Department.		
	The control of access shall not be diminished as a result of replacement of the fence.		
	Miscellaneous:		

## NOTICE TO PERMITTEE

THE PERMITTEE AGREES THAT ALL WORK WITHIN THE EXISTING RIGHT-OF-WAY SHALL BE DONE IN ACCORDANCE WITH THE PLANS AS APPROVED AND PERMITTED BY AN ENCROACHMENT PERMIT, ANY CHANGES OR VARIANCES MADE AT THE TIME OF CONSTRUCTION WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT OF HIGHWAYS SHALL BE REMOVED BY THE PERMITTEE AT NO EXPENSE TO THE DEPARTMENT OF HIGHWAYS AND SHALL BE REDONE TO CONFORM WITH THE APPROVED PLANS.

TC 99-22 Rev. 2/95

## AGREEMENT FOR SERVICES TO BE PERFORMED

Project	ct Number	
Perm	it Number	·
This agreement made and entered into b	y and between Kentuck	y Department of Highways, party of the first, party of the second part,
WITNESSETH:		
WHEREAS, the party of the second part described services, and	has requested the party	of the first part to perform the hereinafter
WHEREAS, the party of the first part has second part.	s agreed to perform said	I services at the expense of the party of the
NOW THEREFORE, it is hereby agreed	between the parties her	reto as follows:
(1) The party of the first part does agree interaccount the party of the second part for the a		fter described services and does agree to rendering said services.
(2) The party of the first part agrees that	the herein described so	ervices are to be performed on or about . (Optional)
SERVICE ADDRESS	ES TO BE PERFOI	RMED
DESCRIPTION OF SERVICES		
ESTIMATED CONTRACT COST		
ESTIMATED LABOR COST		3
ESTIMATED EQUIPMENT RENTAL COST		
ESTIMATED TRAVEL COST		
ESTIMATED COST PER PURCHASE ORDER		
TOTAL ESTIMATED COST		
IN TESTIMONY WHEREOF, witness the c	fuly authorized signatur	es of the parties hereto this
day of, 19	9	
	Party of the First Part	
	TITLE	CHIEF DISTRICT ENGINEER
	Party of the Second Part	
	TITLE	
	111 <b>4</b> 5	

#### **EXHIBIT 20**

TC 99-23 Rev. 2/95

KENTUCKY TRANSPORTATION CABINET
Department of Highways
Permits Branch

#### MASS TRANSIT SHELTER SPECIFICATIONS AND CONDITIONS

This form must be signed by the permittee and attached to Form Number TC 99-1

### A. GENERAL REQUIREMENTS

- 1. The shelter shall be at or near existing or potential vehicular pull-offs in non-urban areas.
- 2. If the shelter and related appurtenances are not being satisfactorily maintained or used, or if they violate any of the provisions of law, regulations or policy, the permit shall be revoked and the encroachment removed at the permittee's expense.
- 3. The construction, maintenance, and/or use of the shelter (and appurtenances) shall not interfere with road functions, Department maintenance operations, drainage patterns, or drainage facilities within the right-of-way unless an acceptable documented alternate drainage plan is approved by the Chief District Engineer. The entire expense for such drainage problem solutions, including construction and maintenance, shall be borne by the permittee.
- 4. The construction of the permitted facilities and pull-off area, along with future maintenance and improvements of all associated appurtenances, shall be entirely at the expense of the permittee except that the Department <u>may perform</u> necessary minimal maintenance on school bus shelter pull-offs.
- 5. The shelter and appurtenances shall be constructed of materials and protective coatings that are not garish or unsightly and are aesthetically compatible with the surrounding area.
- 6. The abutting property owner(s) must agree to the issuance of the permit by their signature on an Encroachment Permit, Form No. TC 99-1, under item (3).
- 7. The permittee agrees by signing this form to remove or relocate, at his expense, the structure and all appurtenances to accommodate the location or relocation of any public utility.
- B. ADVERTISING REQUIREMENTS (On F.A.P. routes, mass transit shelters with advertising may be located only in or adjacent to zoned or unzoned commercial or industrial areas as described in Chapter 99-20.0500 of the Transportation Cabinet's Permit Manual.)
- Spacing for mass transit shelters with advertising shall be no less than 100' apart within city limits and no less than 300'
  apart outside city limit boundaries.
- 2. Maximum size of the advertising device shall be 32 square feet including border or frame and trim.
- 3. Advertising device messages must be mounted on or affixed to the shelter.
- 4. Except as permitted under spacing requirements, only one advertising message shall be visible or identifiable to motorists traveling in any one direction at any time regardless of the number of transit shelters.
- 5. The content of advertising messages shall conform to all local, state and/or federal laws, ordinances, regulations, or rules.
- 6. The permittee will be responsible to resolve any conflict concerning message content or the permit may be revoked.

#### C. SPECIAL SAFETY REQUIREMENTS

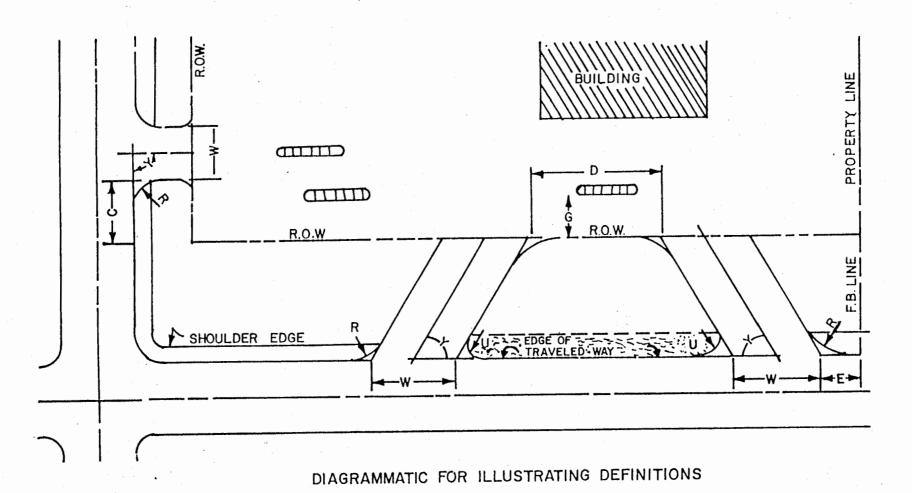
- 1. Safety shall not be impaired by restriction of sight distance or interference to traffic or pedestrian movement.
- 2. Mass transit shelter structures to be located on sidewalks shall not be permitted if they would prevent the safe movement of pedestrians and handicap vehicles such as wheelchairs. For all locations which can accommodate additional sidewalk paving (such paving shall be continuous with the existing sidewalk for a distance which will facilitate the safe maneuvering of a handicap vehicle) this prohibition may be waived and additional sidewalk construction shall be at the expense of the applicant and conform to Department specifications. A minimum paved clearance of 34 inches shall be maintained between the structure and any other obstruction.
- 3. Limitations to the frequency and number of transit shelters along all state maintained routes will be imposed by the Chief District Engineer. Documentation must be shown that justifies the placement of a specific number of shelters. Safety of traffic will be directly affected by the number of shelters permitted and safety will be the key element in determining the number allowable.
- 4. Lighting of the shelter or advertisements attached thereto shall be of such low intensity or brilliance as to not impair the vision of traveling motorists.

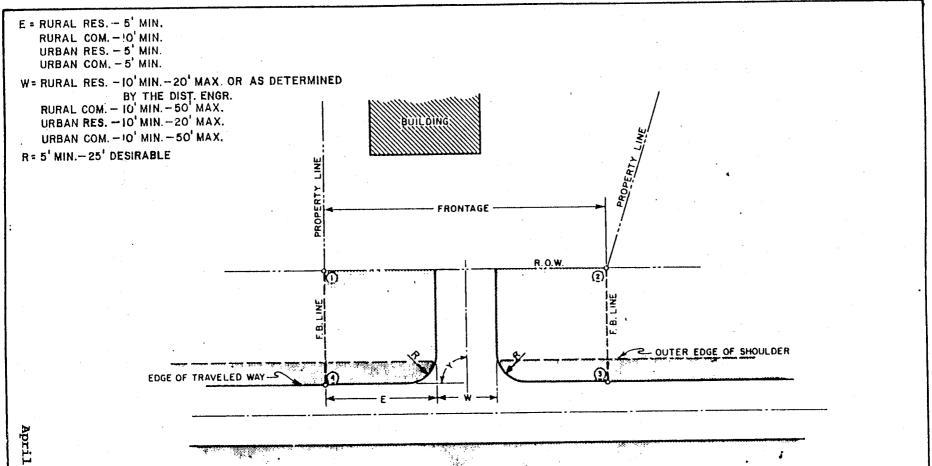
The undersigned permittee (being a duly authorized representative / franchisee / owner) does agree to all terms and conditions set forth herein.

DATE	SIGNATURE	TITLE
ENCROACHMENT PERMIT NUMBER	FRANCHISE NUMBER	

C = Corner Clearance
D = Distance Between Double Driveways
E = Edge Clearance
F.B. = Frontage Boundary Line
G = Setback From Right-of-way
R = Driveway-Outside Radius
R.O.W. = Right-Of-Way
U = Driveway-Inside Radius
W = Driveway Width
Y = Angle of Driveway to Mainline (MINIMUM OF 75° ANGLE)

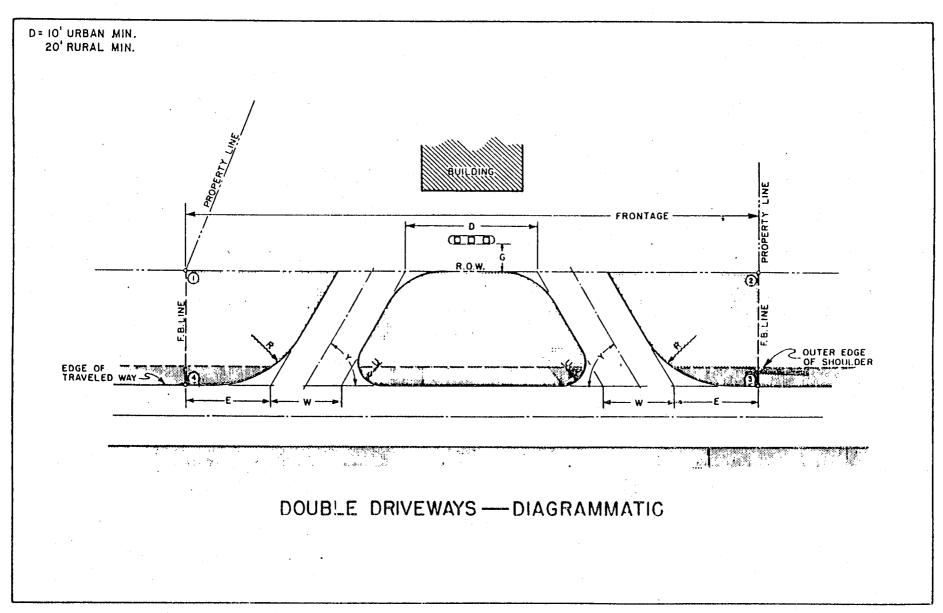
1989

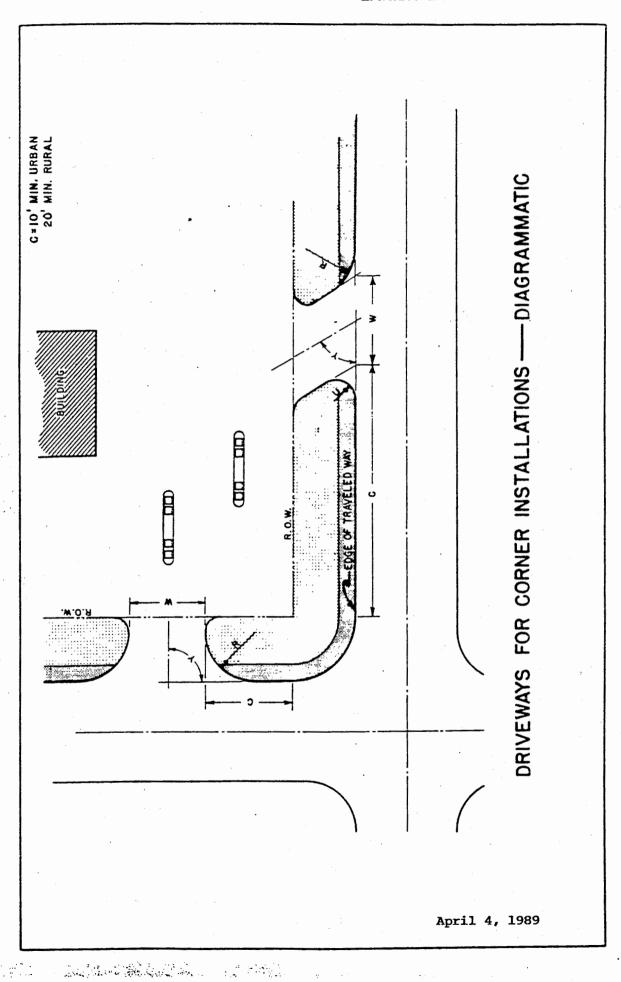


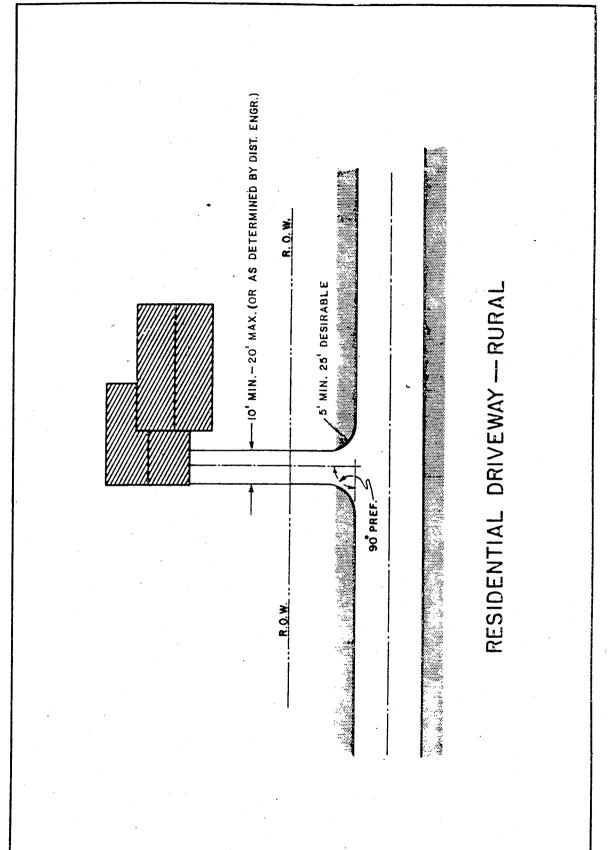


# SINGLE DRIVEWAY - DIAGRAMMATIC

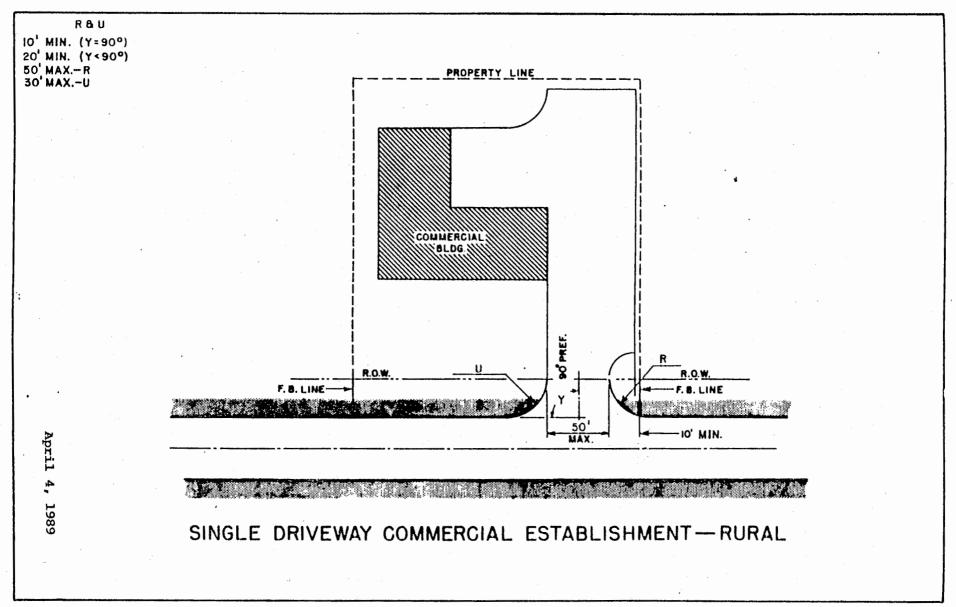
NOTE: AS "Y" BECOMES SMALLER THAN 90° "W" SHOULD BE INCREASED

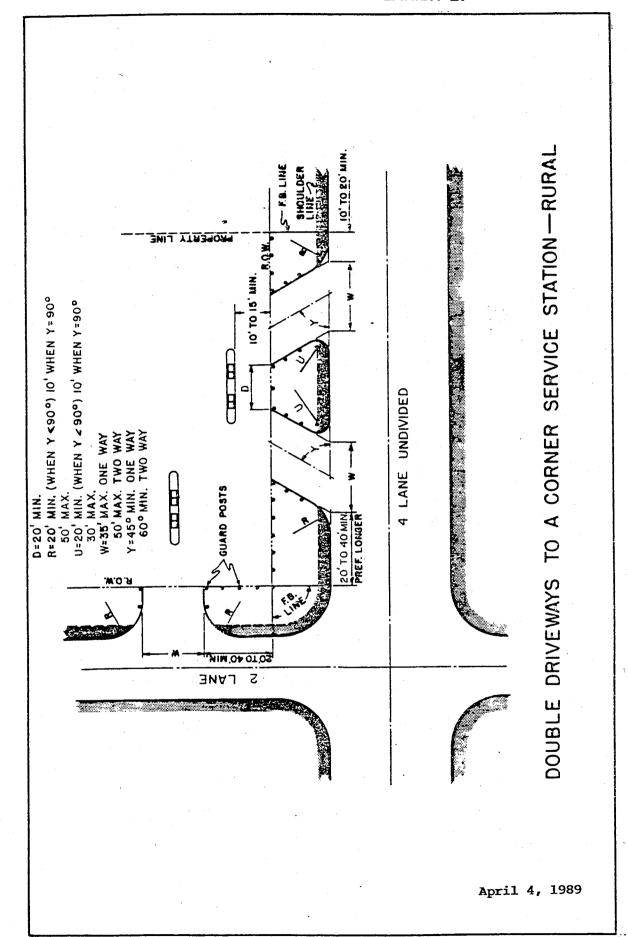


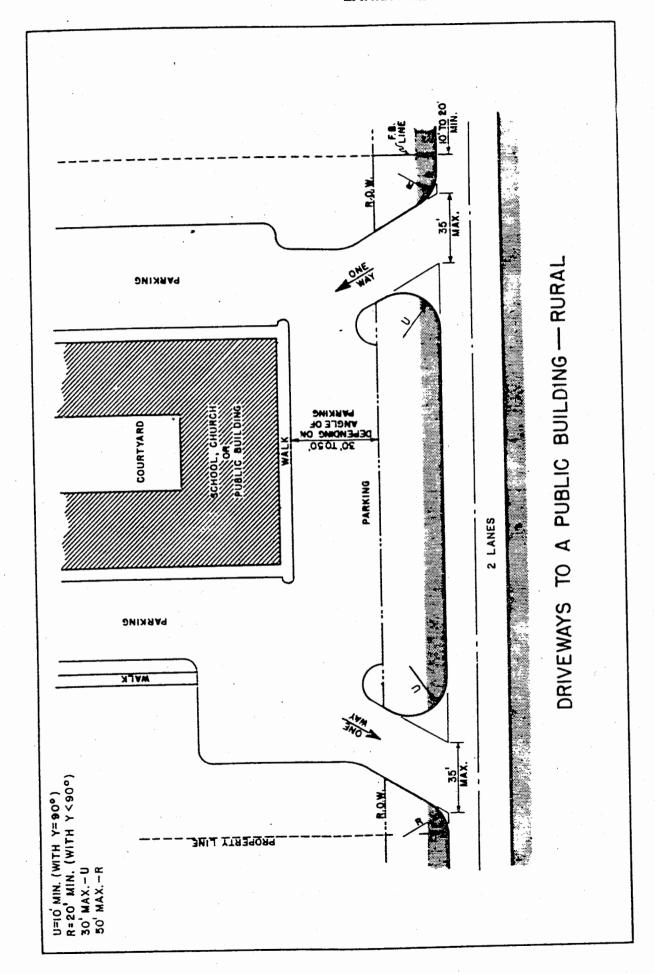




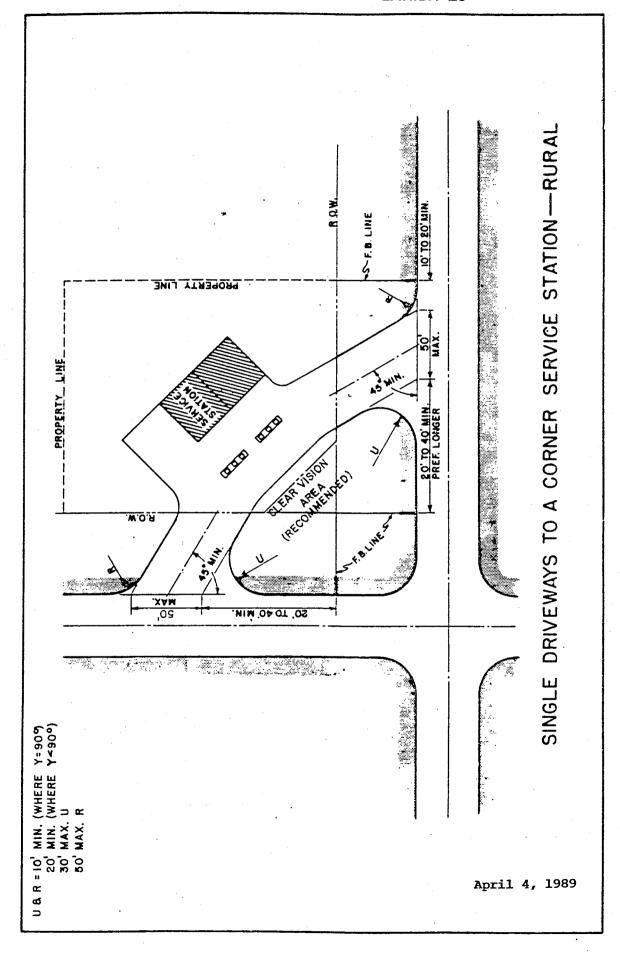
April 4, 1989

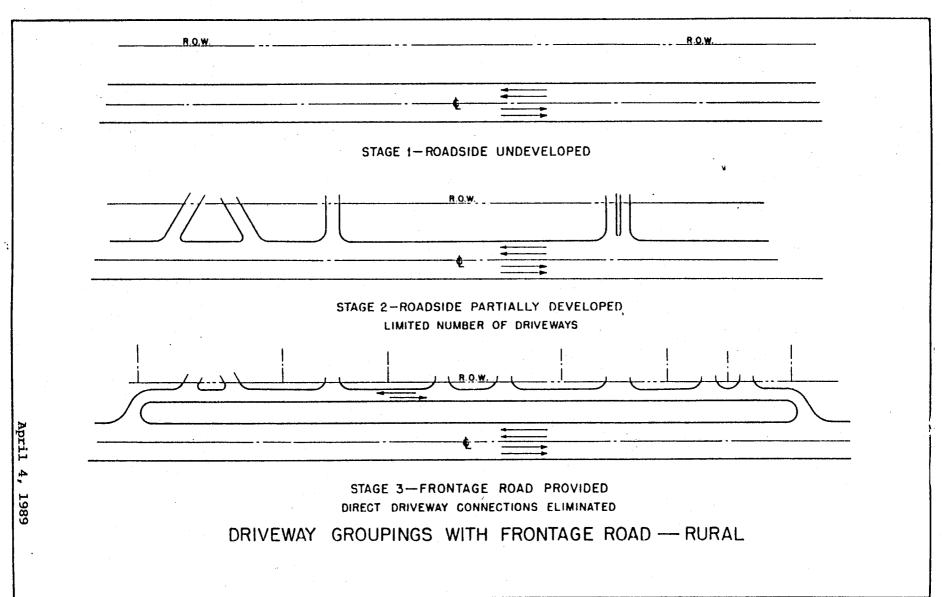


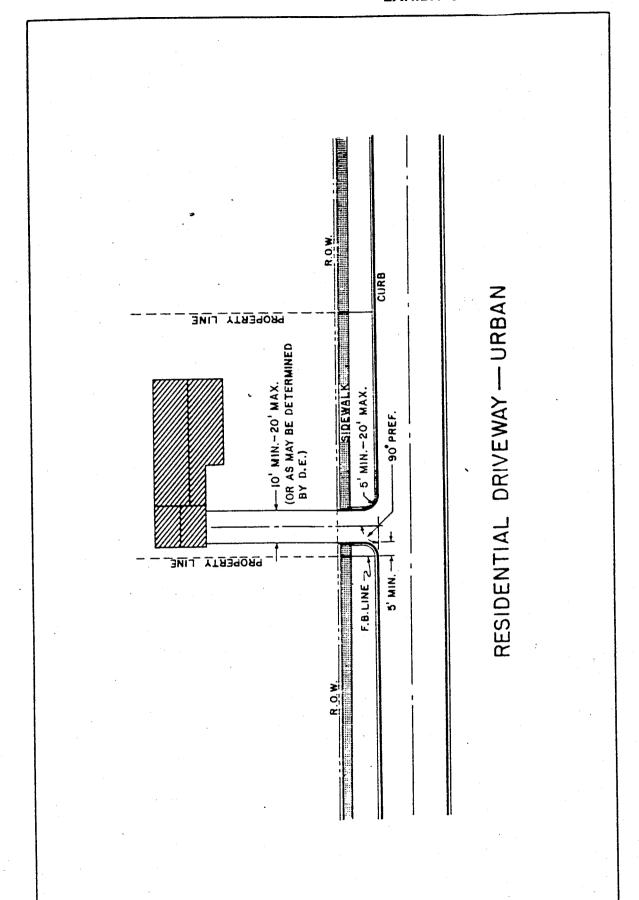




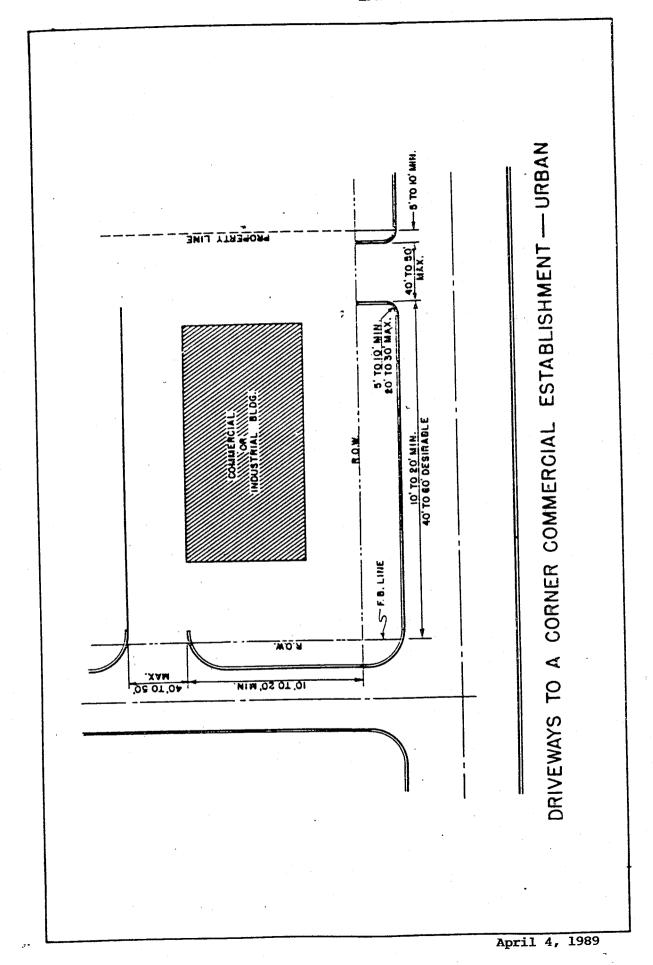
April 4, 1989

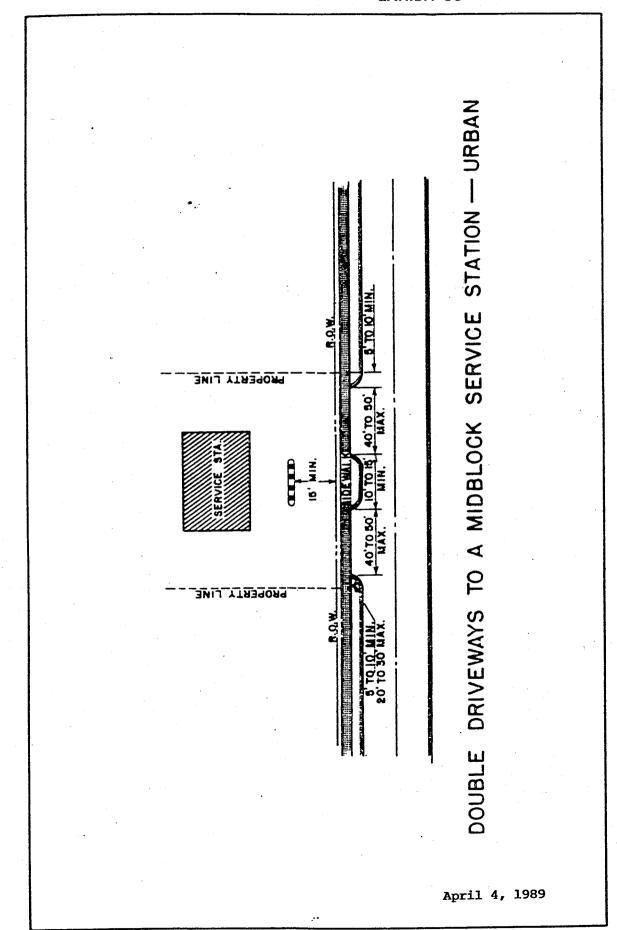


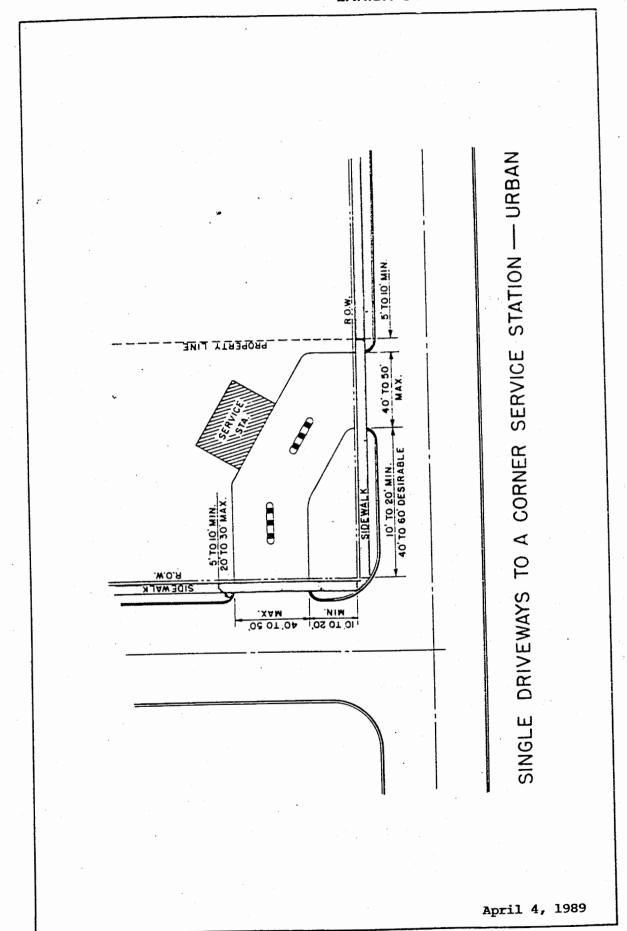


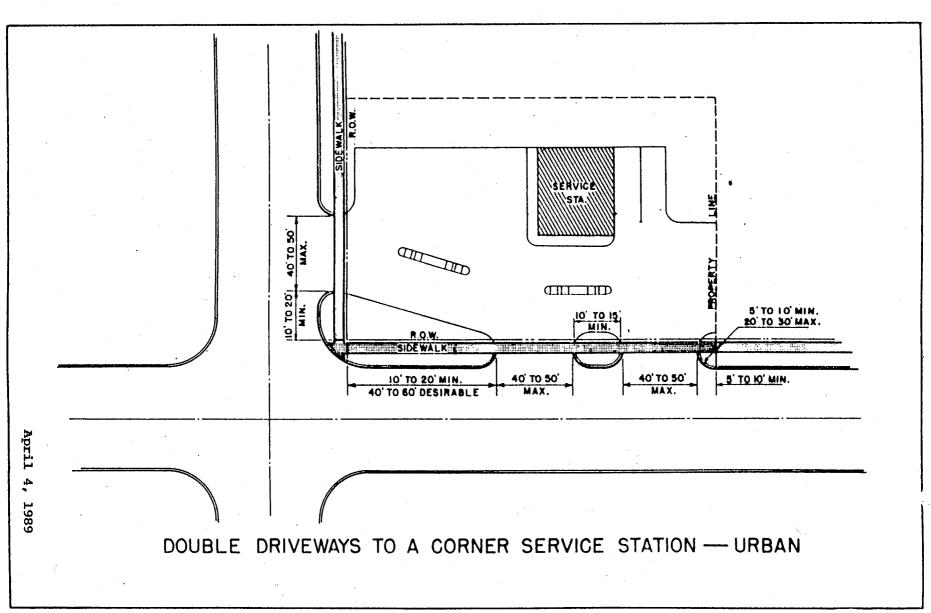


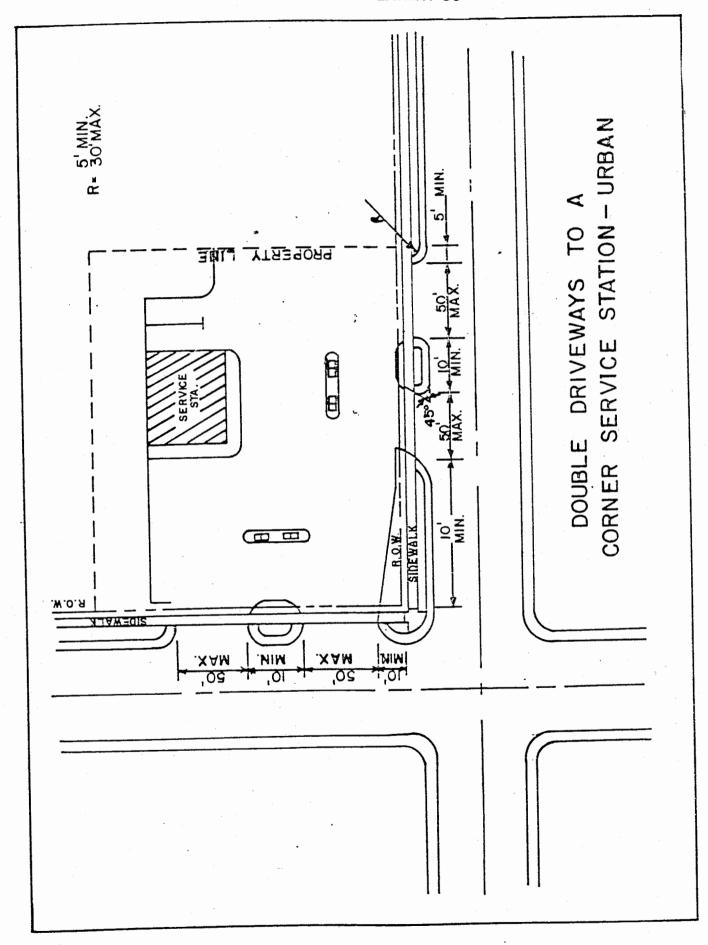
April 4, 1989



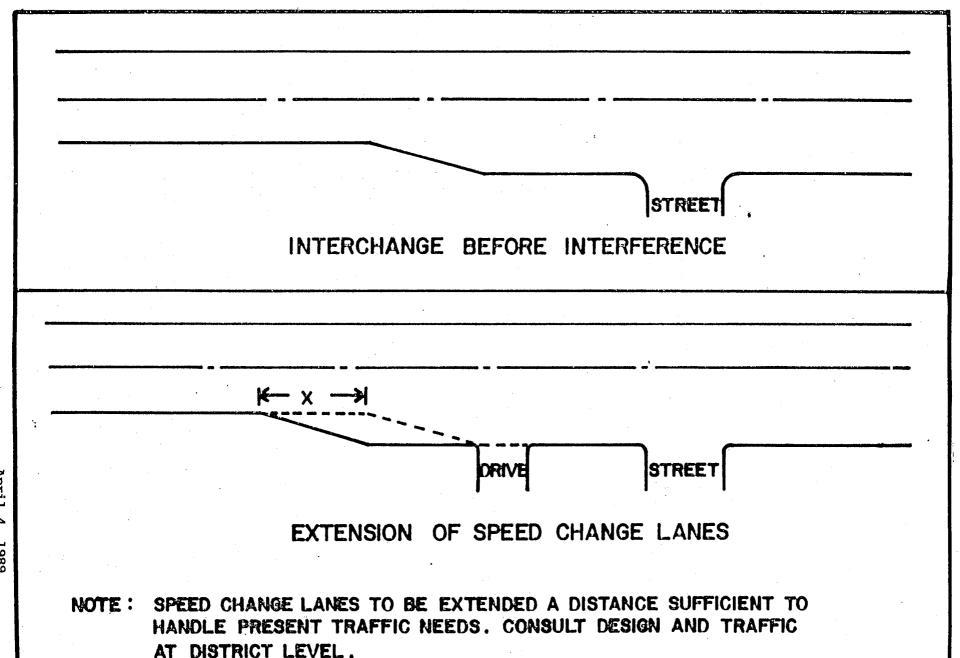


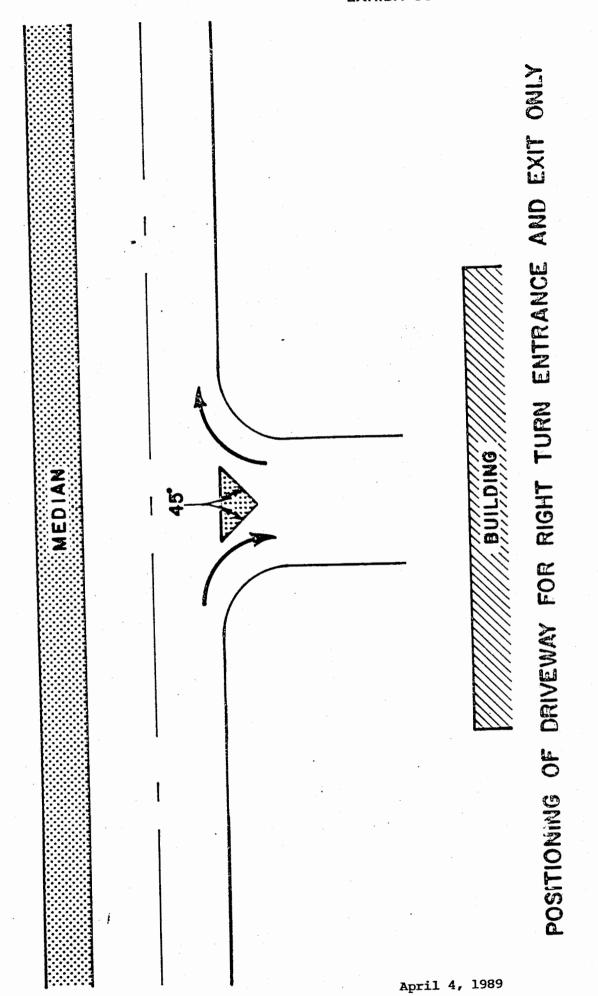






April 4, 1989

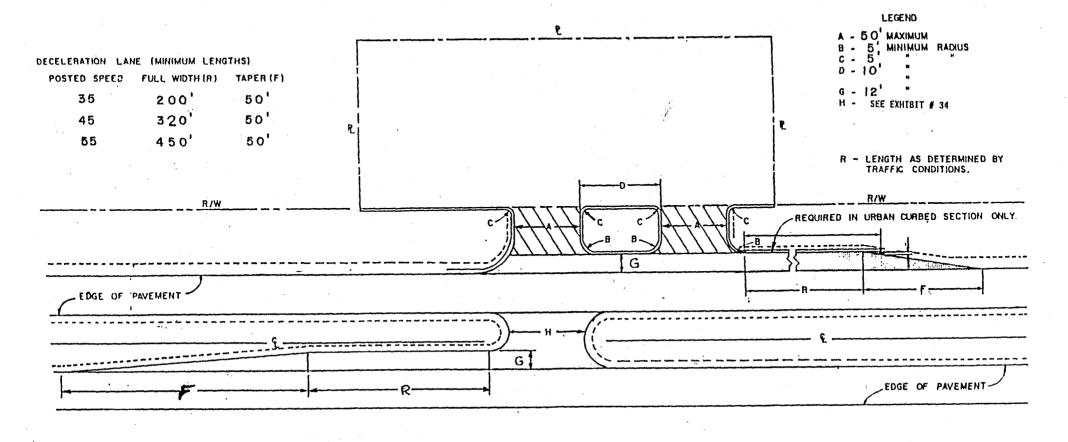




DEVELOPMENT OF INTERIOR PARKING

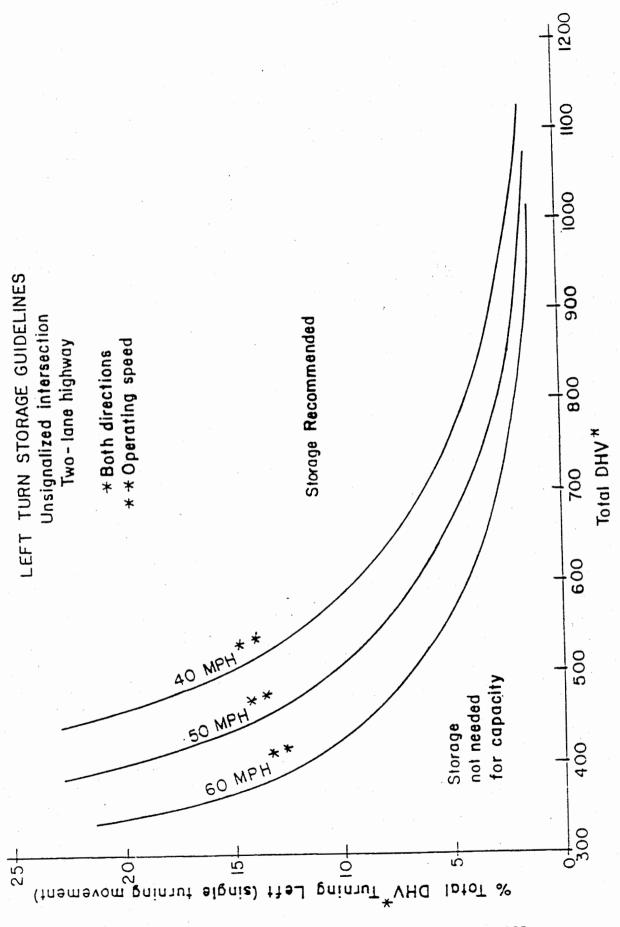
**IMPROPER** DEVELOPMENT

ЕХНІВІТ 39



- I. NO PART OF THE APPROACH RADIUS MAY EXTEND BEYOND THE EXTENSION OF THE ADJACENT PROPERTY LINE WITH-OUT THE WRITTEN PERMISSION OF THE ADJACENT PROPERTY OWNER.
- 2. EXISTING CONDITIONS MUST SHOW AT LEAST 150' BEYOND CONSTRUCTION AREA ON BOTH SIDES OF HIGHWAY.

TYPICAL CROSSOVER DECELERATION LANES

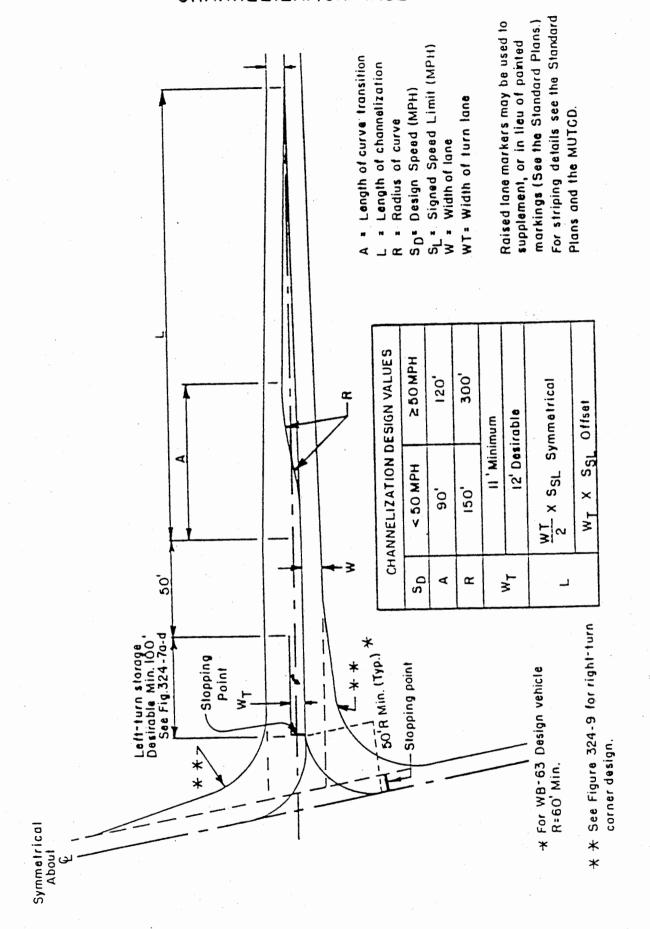


April 4, 1989

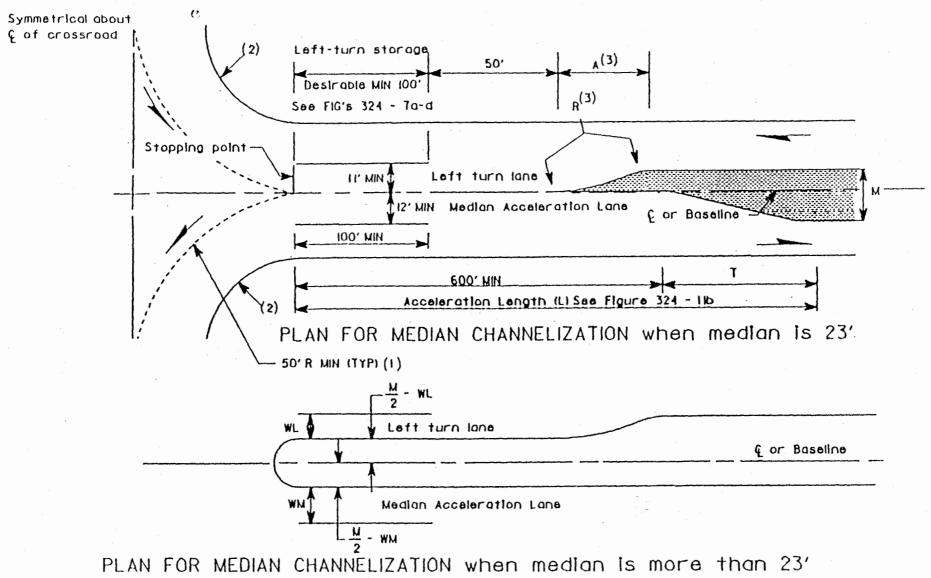
# ADDITIONAL LEFT TURN STORAGE FOR TRUCKS UNSIGNALIZED INTERSECTION TWO-LANE HIGHWAY

# Storage length to be added to chart values of left turn storage lengths (feet)

Storage Length	% Trucks in Left Turn Movement											
req'd. from Chart	10	20	30	40	50							
100,	25'	25'	50'	50'	50'							
150'	25'	50'	50'	75'	75'							
200'	25'	50'	75'	100'	100,							



April 4, 1989



WM = Width of median acceleration lane
WL = Width of left turn lane

M = Width of median

S<sub>SL</sub> = Signed speed limit (MPH)

W = Offset In feet

T = Length of taper in feet

#### TAPER FORMULA

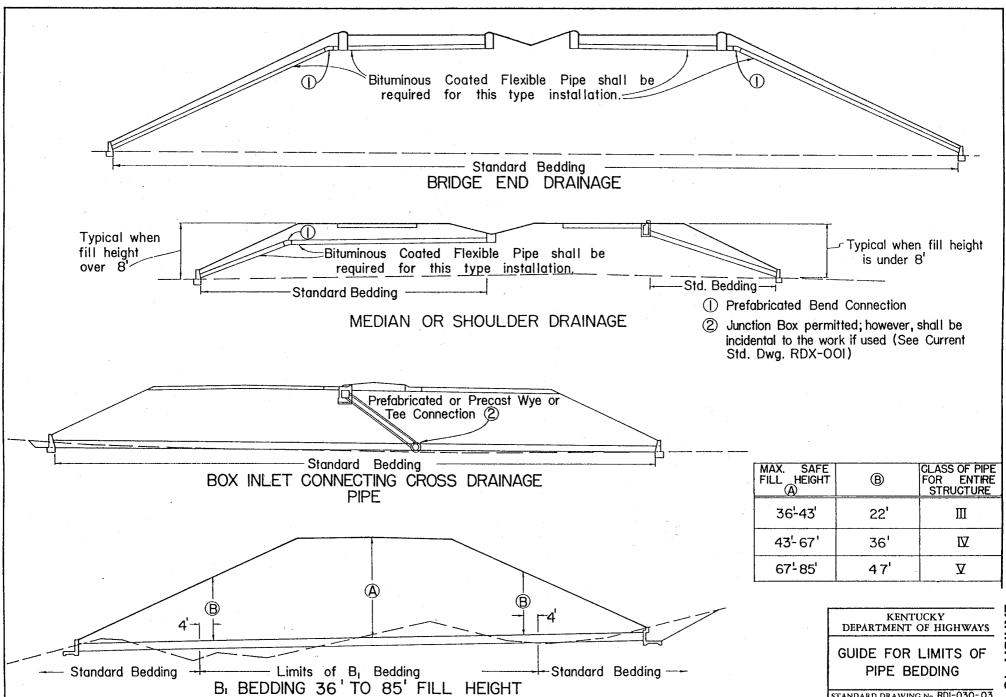
 $S_{SL} \ge 45 \text{ MPH}_1 T = WS_{SL}$  $S_{SL} < 45 \text{ MPH}_1 T = \frac{WS_{SL}^2}{60}$ 

- (1) 60' MIN for WB 63 Design Vehicle
- (2) For right-turn corner design see Figure 324 9
- (3) For values of A and R see Figure 324 8a
- (4) When median is less than 23'; widen to 23' using the taper formula to use a Median Acceleration Lane.
- (5) For striping details see the standard plans.



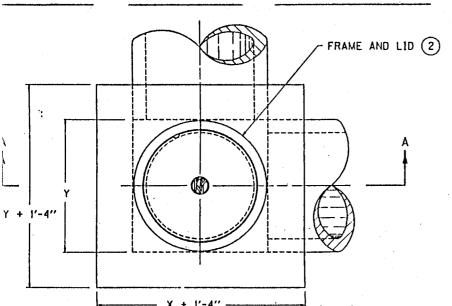
PIPE BEDDING

STANDARD DRAWING No. RDI-030-03

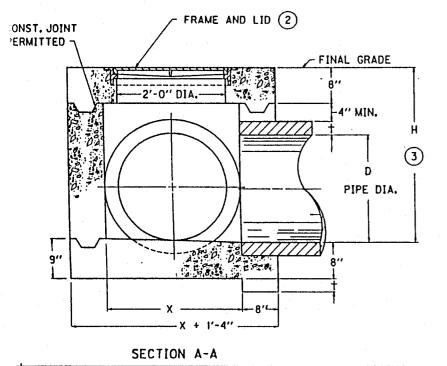


Standard Bedding ---

- Standard Bedding



PLAN VIEW



I. THE CONTRACT UNIT PRICE EACH SHALL INCLUDE PAYMENT IN FULL FOR EXCAVATION, LABOR, FRAME AND LID, CONCRETE, AND ALL OTHER INCIDENTALS NECESSARY TO COMPLETE THE WORK.

BID ITEM: JUNCTION BOX TYPE B (\$\frac{1}{1}\text{T}) = "1" (FRAME AND LID TYPE 1)

(\$\frac{1}{1}\text{T} = "2" (FRAME AND LID TYPE 2)

- WHEN THIS BOX IS TO BE USED IN NON-VEHICULAR TRAFFIC AREAS SEE CURRENT STD. DWG. RDM-100 "FRAME AND LID TYPE I. WHEN THIS BOX IS TO BE USED IN VEHICULAR TRAFFIC AREAS SEE CURRENT STD. DWG. RDM-105 "FRAME AND LID TYPE 2.
- 3 THE MAXIMUM DEPTH OF BOX FROM FINAL GRADE TO FLOW LINE OF PIPE SHALL BE 8'-0". ANY BOXES DEEPER THAN 8'-0" SHALL BE SPECIFICALLY DESIGNED.
- (4) BASED ON H AS EQUAL TO D + + + 1'-0".
- 5 Q = CUBIC YARDS OF CONCRETE PER FOOT INCREASE OR DECREASE WHEN H VARIES
- 6. NO DEDUCTIONS HAVE BEEN MADE FOR PIPE, SEE REFERENCE CHART FOR QUANTITIES TO DEDUCT.
- 7. THE DIMENSIONS AND QUANTITIES HAVE BEEN CALCULATED FOR ROUND CONCRETE PIPE. WHEN NON-CIRCULAR PIPE IS USED THE BOX SIZE SHALL BE DETERMINED BY CONTROLLING DIMENSIONS OF THE PIPE.
- 8. FOR THIS APPLICATION THE "X" DIMENSION IS ASSUMED TO BE EOUAL TO OR GREATER THAN THE "Y" DIMENSION.
- 9. THE BOX SIZE NUMBER TO BE SHOWN ON THE PLANS SHALL BE DETERMINED BY THE LARGEST PIPE IN THE "X" AND "Y" DIMENSION.

#### DIMENSIONS & ESTIMATE OF QUANTITIES

[ ]	NLET S	SIZE	PIPE	4	CONCRETE		
NO.	х	Y	MAX. DIA.	н	CUBIC YARDS	<b>⑤</b> 0	
T			12"	2'-2''	0.91		
2	2'-0"	31-011	15"	2′-5″	0.98		
3		2'-0"	18''	2'-9''	1.05		
4			21"	3′-0′′	1.27	0.3	
5	2'-6"	2'-6''	21	3 -0	1.43		
6	2 -0	2'-0''	24"	3′-3″	1.36		
7		2'-6''	44	3 -3	1.52		

REFERENCE CHART											
DIA. OF	CLEAN-C PIPE ON "X" SIDE	PIPE ON	CONCRETE TO DEDUCT FOR EACH PIPE								
PIPE	OF BOX	OF BOX	CUBIC YARDS								
0											
12"	2′-0′′	2'-0''									
15''-18''			0.1								
21"-24"	2'-6''	2'-6''									

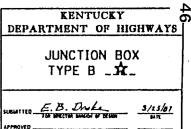
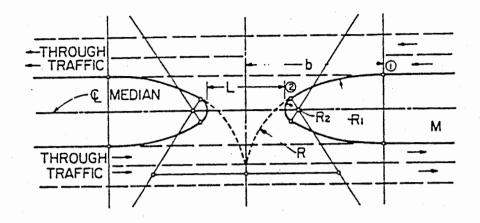


EXHIBIT 4

# AASHTO—Geometric Design of Highways and Streets

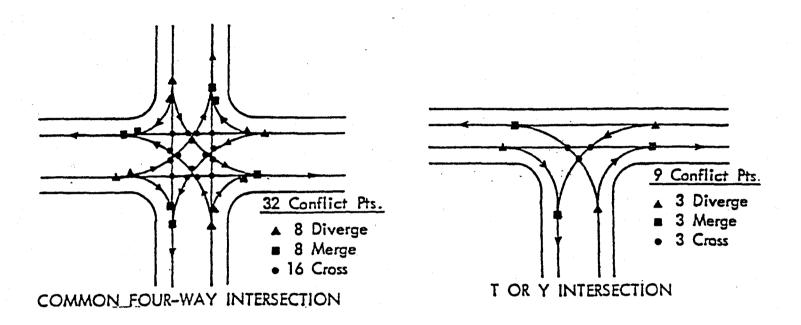


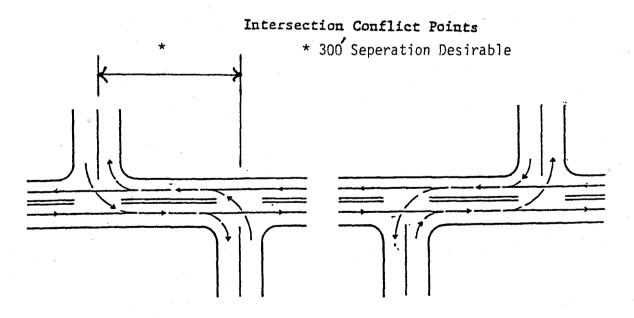
Assumed: 
$$R = 50^{\circ}$$
  
 $R_2 = \frac{M}{5}$ 

	M / WIDTH	DIMENSIONS IN FEET, WHEN											
	OF MEDIAN,	R:	90'	Ri=	150'	R:=230							
	FEET	L	b	٦	b	L	b						
1	20	58	65	66	78	71	90						
	30	48	68	57	85	63	101						
	40	40	71	50	90	57	109						
	50	_	_	44	95	51	115						
	6.0					46	122						
	70	_				41	128						

Figure IX-57. Above minimum design of median openings (typical bullet nose ends).

#### DRIVEWAY LOCATION TECHNIQUES





Difference in Weaving Maneuvers Resulting From Driveway Offset Configuration

Greater interference to through traffic is likely when the driveways are offset as shown by the drawing on the right. The right-turn egress to left-turn ingress maneuver poses a greater threat to traffic safety than does the left-turn egress to right-turn ingress maneuver.

August 13, 1990

#### 2G-5.3 Size of Logos and Signs (MUTCD)

Each logo, including its border, when attached to a specific service sign, shall be contained within a rectangular background area which shall not exceed the dimensions shown in Table II-4 for the applicable class of highway location.

TABLE II-4 Logo Sizes

	GAS, FOOD						
	LODGING &	CAMPING					
Class of Highway	Width	Height					
Mainline Freeway-Full Panel	48"	36"					
Off-Ramp-Half Panel	24"	18"					

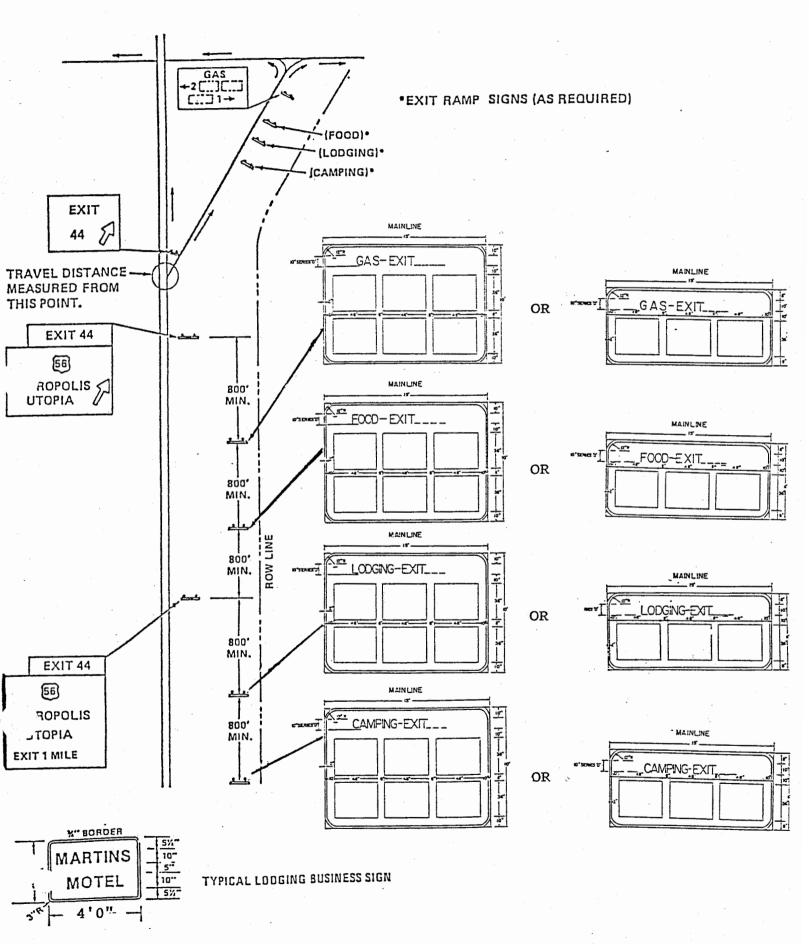
Sign sizes must be fixed primarily in terms of the amount and height of legend and the number and size of logos attached to the sign. The vertical and horizontal spacing between logos shall not exceed 8 inches and 12 inches respectively.

#### 2G-5.4 Size of Lettering (MUTCD)

All letters and numerals on specific service signs, other than on the logos, shall conform to the sizes specified in Table II-5.

Table II-5 Letter and Numeral Sizes for Specific Service Signs

									FREEWAY									
																:	INTERCH	ANGES
Services	•	•		•	•	•	•	•	<del>.</del>	•	•	•	•	•	•	•	.10"	10"
Action Message.																		10"
Exit Legends																		10"
																	.10"	10"
Numeral										•							.10"	10"
Letter																	.10"	10"



April 4, 1989

#### PRESS RELEASE

Beginning on the Kentucky Department of
Highways will begin removing illegal advertising devices that
are on the right-of-way of Highways and
in County. Signs removed by
state forces will be stored at the County
State Maintenance Barn on Owners
of these signs may pick them up at the Maintenance Barn, but
will be required to sign a statement attesting to the fact that
the sign belongs to them. No charge will be made for the
retrieval of your sign initially. A fee will be charged for
subsequent removal of signs and retrieval by the owners.
This action is part of an overall plan to remove illegal signs
and billboards from our highways. We hope that any person or
group having an illegal sign on the right-of-way of state roads
would voluntarily remove their signs before the Kentucky
Department of Highways is forced to do so.

Any questions concerning the above plan should be directed to:

Phone:
Between the hours of 8:00 A. M. to 4:30 P. M., E.S.T.

COUNTY
PROJECT NO.
ROAD NAME
ADVERTISING DEVICE
THE SUBJECT ADVERTISING DEVICE WAS REMOVED FROM THE STATE'S RIGHT
OF WAY DAY OF, 19 AND DELIVERED TO THE
COUNTY STATE MAINTENANCE BARN.
THE OWNER OR REPRESENTATIVE OF OWNER MAY PICK THE SIGN UP BY
SIGNING THE FOLLOWING:
I CERTIFY THAT I OWN OR REPRESENT THE OWNER IN RETRIEVING
THIS SIGN. IT WILL NOT BE REPLACED ON STATE PROPERTY.
SIGNATURE
COMPANY
DATE

#### Subpart B - Management of Airspace

AUTHORITY: 23 U.S. C. 142(g), 315; 23 CFR 1.23, 1.32; 49 CFR 1.48, Part 21.

713.201 Purpose.

To prescribe Federal Highway Administration (FHWA) policies relating to the management of airspace on Federal-aid highway systems for non-highway purposes.

713.202 Applicability.

- (a) The provisions of this subpart apply to the use of airspace on the Federal-aid highway systems, except as provided in paragraph (b) of this section.
- (b) This subpart does not apply to railroads and public utilities which cross or otherwise occupy Federal-aid highway rights-of-way, nor to relocations of railroads or utilities for which reimbursement is claimed under Subparts H and E of Part 140 of this chapter; joint development and multiple use of highway rights-of-way as covered in Volume 7, Chapter 7, section 8 of the Federal-Aid Highway Program Manual; land bikeways and pedestrian walkways as covered in part 652 of this chapter.

#### 713.203 Definition.

Airspace, as used in this subpart, is that space located above, at, or below the highway's established gradeline, lying within the approved right-of-way limits.

#### 713.204 Policies.

- (a) Where a State highway department (SHD) has acquired sufficient legal right, title, and interest in the right-of-way of a highway on a Federal-aid system to permit the use of certain airspace for nonhighway purposes, and where such airspace is not required presently or in the foreseeable future for the safe and proper operation and maintenance of the highway facility, the right to temporary or permanent occupancy or use of such airspace may be granted by the SHD subject to prior FHWA approval.
- (b) The airspace required to accommodate foreseeable future expansion of the highway facility may not be used for nonhighway purposes except under the provisions of Subpart A of this part, relating to property management.
- (c) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway system to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the FHWA may authorize a SHD to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes whenever it may deem that the public interest will be served thereby.
- (d) If found to be consistent with highway designs, any portion of right-of-way may be used for green strips, small parks, play areas, parking or other highway related public use, or for any other public or quasi-public use which would assist in integrating the highway into the local environment and enhancing other publicly supported programs. Normally, the SHD should retain supervision and jurisdiction over such lands but could enter into agreements with local political subdivisions relative thereto.

The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

- (e) An individual, company, organization, or public agency desiring to use airspace as defined herein shall submit an application therefor to the SHD in a manner and form deemed appropriate by the SHD. Applications, including a proposed airspace agreement, shall be forwarded to the FHWA together with SHD recommendations for approval and any necessary supplemental information. The submission shall affirmatively provide for adherence to all policy requirements contained in this subpart where such are appropriate to the intended use.
- (f) All nonhighway use of airspace shall be covered by a properly executed airspace agreement. The agreement shall contain the following:
  - (1) The party responsible for developing and operating the airspace.
  - (2) A general statement of the proposed use.
  - (3) The general design for the use of the space, including any facilities to be constructed, and such maps, plans, or sketches as are necessary to set out pertinent features in relation to the highway facility.
  - (4) A detailed three-dimensional description of the space to be used, except when the surface area beneath an elevated highway structure or adjacent to a highway roadway is to be used for recreation, public park, beautification, parking of motor vehicles, public mass transit facilities, and other similar uses. In such cases, a metes and bounds description of the surface area, together with appropriate plans or cross sections clearly defining the vertical use limits may be furnished in lieu of a three-dimensional description.
  - (5) Provision that any significant revision in the design or construction of a facility described in subsection 5f(3) above shall receive prior approval by the SHD subject to concurrence by the FHWA.
  - (6) Provision that any change in the authorized use of airspace shall receive prior approval by the SHD subject to concurrence by the FHWA.
  - (7) Provision that such airspace shall not be transferred, assigned, or conveyed to another party without prior SHD approval subject to concurrence by the FHWA.
  - (8) Provision that the agreement will be revocable in the event that the airspace facility ceases to be used or is abandoned.
  - (9) Provision for the agreement to be revoked if the agreement is violated and such violation is not corrected within a reasonable length of time after written notice of noncompliance has been given. Further, that in the event the agreement is revoked and the SHD deems it necessary to request the removal of the facility occupying the airspace, the removal shall be accomplished by the responsible party in a manner prescribed by the SHD at no cost to the FHWA. An exception to this provision is permitted when the improvements revert to the State upon termination of the agreement.
  - (10) When deemed necessary by the SHD or the FHWA, provision for adequate insurance by the responsible party for the payment of any damages which may occur during or after construction of the airspace facilities to hold the State harmless. Exception to this requirement may be made where the proposal is for the use by a public or quasi-public agency, when such agency is assigned the specific responsibility for payment of any related damages occurring to the highway facility and to the public for personal injury, loss of life, and property damage.

- (11) Provision for the SHD and authorized FHWA representatives to enter the airspace facility for the purpose of inspection, maintenance, or reconstruction of the highway facility when necessary.
- (12) Provision that the facility to occupy the airspace will be maintained so as to assure that the structures and the area within the highway right-of-way boundaries will be kept in good condition, both as to safety and appearance, and that such maintenance will be accomplished in a manner so as to cause no unreasonable interference with highway use. In the event the responsible party fails in its maintenance obligation, there will be provision for the SHD to enter the premises to perform such work.
- (13) Appropriate provisions for Appendix "C" of the State's Civil Rights
  Assurances with respect to Title VI of the Civil Rights Act of 1964 and 49
  CFR Part 21.
- (g) Use of airspace beneath the established gradeline of the highway shall provide sufficient vertical and horizontal clearances for the construction, operation, maintenance, ventilation, and safety of the highway facility.
- (h) The proposed use of airspace above the established gradeline of the highway shall not, at any point between two points established 15 feet beyond the two outer edges of the geometric section (highway prism) of the highway, extend below a horizontal plane which is at least 16 feet 4 inches above the gradeline of the highway, or the minimum vertical clearance plus 4 inches as approved by the State, except as necessary for columns, foundations or other support structures. Where control and directional signs needed for the highway are to be installed beneath an overhead structure, vertical clearance will be at least 20 feet from the gradeline of the highway to the lowest point of the soffit of the overhead structure. Exceptions to the lateral limits set forth above, when justified by the SHD, may be considered on an individual basis by the FHWA.
- (i) Piers, columns, or any other portion of the airspace structure shall not be erected in a location which will interfere with visibility or reduce sight distance or in any other way interfere materially with the safety and free flow of traffic on the highway facility.
- (j) The structural supports for the airspace facility shall be located to clear all horizontal and vertical dimensions established by the SHD. Supports shall be clear of the shoulder or safety walks of the outer roadway. However, supports may be located in the median or outer separation when the SHD determines and the FHWA concurs that such medians and outer separations are of sufficient width. All supports are to back of our flush with the face of any wall at the same location. Supports shall be adequately protected by means acceptable to the SHD and the FHWA. No supports shall be located in the ramp gores, or in a position so as to interfere with the signing necessary for the proper use of the ramp.
- (k) The use of airspace shall not result in either highway or nonhighway users being unduly exposed to hazardous conditions because of highway location, design, maintenance, and operation features.

September 23, 1991

<sup>&</sup>lt;sup>2</sup> Appendix "C" of State's Civil Rights Assurances may be examined at any office of the State Highway Department or at the Federal Highway Administration; 400 7th Street SW., Washington, D. C. 20590.

- (1) Appropriate safety precautions and features necessary to minimize the possibility of injury to users of either the highway facility or airspace due to traffic accidents occurring on the highway or accidents resulting from nonhighway uses shall be provided. Airspace facilities shall not be approved for construction over or under the highways, unless the plans therefor contain adequate provisions, acceptable to the SHD and the FHWA, for evacuation of the structures or facilities in case of a major accident endangering the occupants of such structures or facilities.
- (m) Any airspace facility shall be fire resistant in accordance with the provisions of the local applicable building codes found to be acceptable by the SHD and the FHWA. Such airspace facility shall not be used for the manufacture or storage of flammable, explosive, or hazardous material or for any occupation which is deemed by the SHD or the FHWA to be a hazard to highway or nonhighway users. Proposals involving the construction of improvements in airspace should be approved by the State authority responsible for fire protection standards. In cases where the SHD or the FHWA questions the acceptability of the existing code, conformance with a nationally accepted model building code will be required.
- (n) No structure of structures built over a highway facility shall occupy more length of the highway than will permit adequate natural ventilation of the enclosed section of the highway for the conditions at the location, assuming a volume of traffic equal to capacity. Each such covered length shall be preceded and followed by uncovered lengths of highway that will safely affect natural ventilation. The SHD shall determine such lengths for each particular case, subject to FHWA concurrence. Exceptions may be considered when complete tunnel ventilation is provided. Unless tunnel ventilation is provided, structures over highways shall be so designed and constructed as to facilitate natural ventilation of the highway. To this end, the underside and any supports for such structures shall have smooth and easily cleanable surfaces. Supports for such structures shall leave as much open space on the sides of the highway as feasible. Such space shall be appropriately graded where deemed necessary or desirable by the SHD.
- (o) The design, occupancy, and use of any structure over or under a highway facility shall be such that neither the use, safety, appearance, nor the enjoyment of the highway will be adversely affected by fumes, vapors, odors, drippings, droppings, or discharges of any kind therefrom.
- (p) On premise signs, displays, or devices may be erected on structures occupying highway airspace, but shall be restricted to those indicating ownership and type of on-premise activities and shall be subject to regulation by the SHD and the FHWA with respect to number, size, location, and design.
- (q) Construction of any structure above or below a highway facility shall not require any temporary or permanent change in alignment or profile of an existing highway without prior approval by the SHD and the FHWA.

- (r) Where either the SHD or the FHWA is of the opinion that the proposed use of airspace requires changes in or additions to existing highway facilities for the proper operation and maintenance of highways, such facilities shall be provided without cost to Federal funds. There may be exception to this policy when the proposed use is for highway related or other public or quasi-public use which would assist in integrating the highway into the local environment and enhance other publicly supported programs. This provision is not intended to expand existing limitations upon expenditures from the highway trust fund, nor is it intended to conflict with the provisions of Volume 7, Chapter 7, section 8, of the Federal-Aid Highway Program Manual, relating to joint development of highway corridors and multiple use of roadway properties.
- (s) Proposed airspace facilities shall be designed and constructed in a manner which will permit access to the highway facility for the purpose of inspection, maintenance, and reconstruction when necessary.
- (t) Permission shall not be granted for any use of airspace which does not conform with the provisions of current, appropriate Federal Aviation Administration regulations.
- (u) Approval for the use and occupancy of highway right-of-way for the parking of motor vehicles shall be granted only if proper consideration has been given to the need for the following:
  - (1) Parking design or arrangement to assure orderly and functional parking.
  - (2) Plantings or other screening measures to improve the esthetics and appearance of the area.
  - (3) Surfacing, lighting, fencing, striping, curbs, wheel stops, pier protection devices, etc.
  - (4) Access for fire protection and fire fighting equipment.
- (v) Disposition of income received from the authorized use of airspace shall be the SHD's responsibility and credit to Federal funds is not required.

#### 713.205 Inventory.

The SHD shall maintain an inventory of all authorized uses of airspace. This inventory which shall be available for review by appropriate Federal and State agencies shall include but not be limited to the following items for each authorized use of airspace;

- (a) Location by project, survey station, or other appropriate method.
- (b) Identification of the authorized user of the airspace.
- (c) A three dimensional description or a metes and bounds description.
- (d) As-built construction plans of the highway facility at the location where the use of airspace was authorized.
- (e) Pertinent construction plans of the facility authorized to occupy the airspace.
- (f) A copy of the executed airspace agreement

<sup>&</sup>lt;sup>3</sup> The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

## FEDERAL CLASSIFICATION OF SIGNS

#### ADOPTED BY THE COMMONWEALTH OF KENTUCKY

01	POP	_	Permittable on Premises
05	IOP	_	Illegal (due to size, lighting or distance) on Premises
02	PΖ	_	Permittable in Zoned Commercial or Industrial
06	IZ		Illegal (due to size or lighting) in Zoned Area
07	IZG	_	Permittable with Deficient Spacing (allowable grandfather)
03	PU		Same as "PZ" Except the Area is a Bonafide Unzoned Area
08	IU .		Same as "IZ" Except the Area is a Bonafide Unzoned Area
09	IUG		Same as "IZG" Except the Area is a Bonafide Unzoned Area
10	NC	_	Nonconforming Sign Where Compensation Can Be Made
11	IN	_	Illegal Nonconforming Sign Where No Compensation Is Allowable
12	AB	-	Abandoned Within the 660' Zone
13	EN	_	Right-of-Way Encroachment
04	PDO		Permittable Directional or Official Sign

- $01-04\ldots$  Meets permit standards if application and fee are presented.
- 05–09 . . . . Can be permitted provided modifications are made. In the case of grandfather signs, permit will be limited for the normal life of the sign.
- 10 . . . . . The Division of Right-of-Way will proceed toward having the sign removed and will pay the property owner and sign owner.
- 11–13 . . . . The Division of Maintenance will proceed to remove these signs.

  Abandoned (12) and Illegal (11) are eligible for 75 percent federal monies.

Permit	Number	•
T ON HILLY		 

# "WILDFLOWER ESTABLISHMENT" SPECS AND CONDITIONS

The	Kentucky	Transportation	Cabinet,	Department	of	Highways,	hereinafter	called	the
	artment," a							_	
		d the "Group," r							
road	sides and a	re entering into	this Agre	ement to per	mit	the Group t	o contribute	toward	the
effor	t of establis	hing and mainta	ining wild	flowers on hig	ghw	ay roadsides	•		

The Group acknowledges the cooperative nature of the work and agrees to the following terms and conditions:

- The Group shall apply for and obtain a landscaping encroachment permit that will allow them to Highway Right-of-Ways.
- The Group shall purchase wildflower seeds selected from the Department's approved list of seed species in sufficient quantities to seed an approved planting site(s).
- The Group shall prepare the approved site(s) for seeding and shall perform the seeding of the wildflowers.
- The Group will perform some measure of manual weed control and maintain plot deemed necessary to keep the area free of unwanted weeds
- The Group's participants must attend a safety meeting conducted by the Group before participating in manual weed control activities.

The Department agrees to accomplish the following:

- The Department shall review and approve the wildflower planting site(s) prior to any seeding being accomplished.
- The Department shall provide vests and safety literature, to the extent of their availability and safety training to each group leader, if requested.
- The Department shall coordinate the publicity efforts with the Group to solicit local media coverage.

If in the sole judgment of the Department it is found that the cooperating group is not meeting the terms and conditions of this agreement, upon 15 days notice the Department may terminate the cooperative agreement and remove the site.

### KENTUCKY DEPARTMENT OF HIGHWAYS 1991–92 WILDFLOWER SELECTION

Amorpha canescens

Aster laevis

Aster novae–angeliae Ceanothus americanas Cassia fasciculata

Oussia iuscioulata

Chrysanthemum maximum

Coreopsis lanceolata Coreopsis palmata Coreopsis tincitora Dodecatheon media Echinacea pallida

Eryngium yuccifolium Eschscholtzia californica

Gaillardia pulchella Hesperis matronalis Lespedeza capitata

Liatris aspera

Liatris pyenostachya

Linum lewissii Lupinus perennis Monarda fistulosa

Parthenium intergrifolium Petalostemum candidum Petalostemum purpureum

Phlox pilosa

Phsostegia virginiana Ratibida columnifera Ratibida pinnata Ratibida fulgida

Rudbeckia fulgida gloriosa

Rudbeckia hirta Silpohium laciniatum Verbena stricta

Veronicastrum virginicum

Leadplant

Smooth Blue Aster New England Aster New Jersey Tea Partridge Pea Shasta Dasy Sand Coreopsis Prairie Coreopsis Plains Coreopsis Shooting Star

Pale Purple Coneflower Rattlesnake Master

California Poppy

Blanket Flower Indian Blanket

Dame's Rocket

Round Headed Bush Clover

Rough Blazing Star Prairie Blazing Star Perennial Blue Flax

Wild Lupine
Wild Bergamot
Prairie Quinine
White Prairie Clover
Purple Prairie Clover

Prairie Phlox

False Dragonhood Red Hat Coneflower Yellow Coneflower Orange Coneflower Gloriosa Daisy Black-Eyed Susan Compass Plant Hoary Vervain Culvers Root